

October 5, 2010  
City Commission Room, 700 N. Jefferson, Junction City KS 66441

Mayor Mike Rhodes  
Vice Mayor Ken Talley  
Commissioner Terry Heldstab  
Commissioner Scott Johnson  
Commissioner Jack Taylor  
City Manager Gerry Vernon  
City Attorney Catherine Logan  
City Clerk Tyler Ficken

1. **7:00 P.M. - CALL TO ORDER**

- a. Moment of Silence.
- b. Pledge of Allegiance

2. **PUBLIC COMMENT:** The Commission requests that comments be limited to a maximum of five minutes for each person.

3. **CONSENT AGENDA:** All items listed are considered to be routine by the City Commission and will be enacted by one motion. There will be no separate discussion of these items unless a Commissioner so requests, in which event the item will be removed from consent status and considered in its normal sequence on the agenda.

- a. The consideration and approval of **Appropriation Ordinance A-19-2010** dated September 16, 2010 to September 29, 2010 in the amount of \$1,746,321.07.
- b. Approval of the **September 21, 2010** City Commission Meeting Minutes.
- c. The consideration and approval of Payroll #18 & 19 for the month of September 2010.
- d. Monthly Reports:
  - 1. Police Department
  - 2. Finance Review
- e. The consideration and approval of Amendment No. 3 by Burns & McDonnell for additional Construction Observation Services for Well #18, increasing the contract amount by \$16,500.00.
- f. The consideration and approval of Amendment No. 4 by Burns & McDonnell to amend Scope of Services for Water Supply Well No. 18, increasing the contract amount by \$5,000.00.
- g. The consideration and approval of final pay estimate #11 in the amount of \$19,771.43 by Larkin Excavating, Inc. for Construction services through March 17, 2010 for the Spring Valley Road – McFarland Road to Wildcat Lane project. This project is 100% complete as of this pay estimate.

**4. APPOINTMENTS:**

**5. SPECIAL PRESENTATIONS:**

- a. A proclamation recognizing October as National Breast Cancer Awareness Month.
- b. A proclamation recognizing October 3<sup>rd</sup> – October 9<sup>th</sup>, 2010 as Fire Prevention Week.
- c. A proclamation recognizing October 23, 2010 as Buddy Poppy Day.
- d. A proclamation recognizing October as Domestic Violence Awareness Month.
- e. City of Junction City snow removal plan update presentation.

**6. PUBLIC HEARINGS:**

**7. UNFINISHED BUSINESS:**

- a. The Consideration and approval of ordinance (**G-1081**) amending Title V, Building and Construction, Title VII, Utilities, of the Municipal Code of the City of Junction City by revising language regarding what improvements may be made in lands dedicated as rights-of-way and/or easements and clarifying the permitting and fee requirements for driveways and lawn sprinkler systems. **(First Reading) Yearout**
- b. The consideration and approval of a farmland lease agreement with NutriJect for the Kaw Valley Industrial Park farmland.

**8. NEW BUSINESS:**

- a. The consideration and approval of Ordinance **G-1082** updating City code regarding the Junction City/Geary County Animal Shelter. **(First Reading)**
- b. The consideration and approval to acknowledge the immediate condemnation and the consideration and approval to Request Bids for the demolition of 316 W. 15<sup>th</sup> St. **Mark Karmann Presenting**
- c. The consideration and approval of Ordinance S-3086 a request to rezone the property at 416 West Spruce from "RD" Duplex Residential to "PDD" Planned Development District. **Dave Yearout Presenting (First Reading)**
- d. The consideration and approval of Ordinance S-3087 a request to rezone the property at the northwest corner of Webster St and Pine St. from "RG" General Residential to "RD" Duplex Residential. **David Yearout Presenting (First Reading)**

**9. COMMISSIONER COMMENTS:**

**10. STAFF COMMENTS:**

**11. EXECUTIVE SESSION:**

**12. ADJOURNMENT:**

3a

## City of Junction City

### City Commission

### Agenda Memo

Oct 5<sup>th</sup> 2010

**From:** Cynthia Sinkler, Water Billing and Accounts Payable Manager  
**To:** City Commissioners  
**Subject:** Appropriations –A-19 2010

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**Background:** Attached is listing of the Appropriations for Sept 16-Sept 29 2010

**Appropriations –Sept 16-Sept 29 2010 \$1,746,321.07**

**For consideration and approval for EFT payment:**

Dorothy Bramlage Library	64,423.82
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ARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
-DEPARTMENTAL	GENERAL FUND	ALL AMERICAN ADMINISTRATORS (LOYAL AME	CANCER PLAN	623.0
		FAMILY SUPPORT PAYMENT CENTER (MISSOUR	CANCER PLAN	623.0
		INTERNAL REVENUE SERVICE	MACSS #41061331/ CV103-753	154.8
			FEDERAL WITHHOLDING	22,841.4
			FICA WITHHOLDING	3,607.4
			MEDICARE WITHHOLDING	3,021.3
			ING	2,599.0
		ING LIFE INSURANCE & ANNUITY COMPANY	AMERICAN UNITED LIFE	700.4
		AMERICAN UNITED LIFE INSURANCE COMPANY	AMERICAN UNITED LIFE	700.4
		BLUE CROSS BLUE SHIELD OF KS	BLUE CROSS BLUE SHIELD	743.0
			BLUE CROSS BLUE SHIELD	846.1
			BLUE CROSS BLUE SHIELD	1,411.4
			BLUE CROSS BLUE SHIELD	847.0
			BLUE CROSS BLUE SHIELD	833.4
			BLUE CROSS BLUE SHIELD	575.0
			BLUE CROSS BLUE SHIELD	418.8
		JUNCTION CITY FIREFIGHTERS AID ASSOCIA	FIREFIGHTERS AID ASSOCIATI	112.6
		U.S. DEPARTMENT OF EDUCATION	U.S. DEPARTMENT OF EDUCATI	206.0
		SHEA, RIGDON & CARVER	SHEA, RIGDON & CARVER	309.3
		CITY OF JUNCTION CITY	CITY OF JUNCTION CITY (G-F	36.5
			CITY OF JUNCTION CITY (G-F	31.5
			CITY OF JUNCTION CITY -PER	20.0
		KANSAS PAYMENT CENTER	KANSAS PAYMENT CENTER	624.5
		JAY W. VANDER VEIDE	JAY W VANDER VEIDE	252.2
		COLONIAL SUPPLEMENTAL INSURANCE	COLONIAL INSURANCE	46.2
			COLONIAL INSURANCE	46.2
			COLONIAL INSURANCE	11.5
			COLONIAL INSURANCE	11.5
		DELTA DENTAL (PAYROLL)	DELTA DENTAL OF KANSAS	682.6
		FIREMEN'S RELIEF ASSOCIATION	DELTA DENTAL OF KANSAS	682.5
		INTRUST BANK	FIREMAN'S RELIEF	291.9
			SAVINGS BOND	84.3
			SAVINGS BOND	84.3
		JUNCTION CITY FIRE FIGHTERS ASSOCIATIO	I.A.F.F. LOCAL 3309	946.0
		JUNCTION CITY POLICE	JCPDA	710.0
		KANSAS DEPT OF REVENUE	STATE WITHHOLDING	9,615.2
		KANSAS PUBLIC EMPLOYEES	KPEBS #1	1,876.9
			KPEF	11,744.4
			KPEBS #2	617.8
		POLICE & FIREMEN'S	POLICE & FIRE INSURANCE	1,180.3
		INTRUST BANK	POLICE & FIRE INSURANCE	1,179.8
		AMERICAN FAMILY LIFE ASSURANCE COMPANY	FIRST STATE BANK	2,265.3
			AFLAC	1,035.5
			AFLAC	1,035.3
		ROLLING MEADOWS GOLF COURSE	ROLLING MEADOWS GOLF COURS	37.5



DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
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CENTURY UNITED COMPANIES, INC

INCODE

CARD CENTER

Eliminate Taxes - Nextech	11.4
Eliminate Taxes - Cox Bill	4.6
Restrict 3rd Party 238-899	19.9
Copier - Fire Station 2	36.0
Copier - Fire Station 2	36.0
Web Publishing Fees	200.0
Web - Court Inquiry	100.0
GVPD - EVDO Aircard Chief	40.0
GVPD - EVDO Aircard K9	40.0
12th St Internet Connectio	199.0
Fire #2 Internet Connectio	124.9
Channel 3 Digital Music	34.7
Spin City - Internet	59.9
TOTAL:	1,006.4

MINISTRATION GENERAL FUND

ING LIFE INSURANCE & ANNUITY COMPANY

CENTURYLINK COMMUNICATION, INC.

TELEPLUS SOLUTIONS

KOPECKY LAW, P.A

MOORE MEDICAL LLC

OLD TROOPER REGIMENT

CARD CENTER

LATHROP AND GAGE

MINISTRATIVE SERVICE GENERAL FUND

TRICIA GOWEN

GENERAL FUND

GAME TIME ATHLETICS

DAVIS CONTRUCTION

CENTURYLINK COMMUNICATI INC.

TELEPLUS SOLUTIONS

ING	334.6
ADMINISTRATION	417.1
ADMINISTRATIVE SERVICES	52.6
CHAMBER-SEPT 2010	111.2
CXL Txt MSG 223-7396	2.4
Cancel Line RNA - 238-1092	20.7
Rec 38 Credit 223-1092	13.8
CXL Txt MSG 223-7396	2.4
Cancel Line RNA - 238-1092	20.7
Late Fee Recovery	30.0
REIMBURSE FOR DUI DVD	27.0
FLU VACCINE/100 DOSES	1,165.4
HAILE&FAREWELL-HEIDSTAB,TAY	40.0
KEY OFFICE-LEGAL PADS	6.8
AG PRESS-LAND RENT ADVERT.	67.3
WALMART-WATER & SODA	27.4
KEY OFFICE-INK CART/FOLDER	93.8
USPS-POST OFFICE-CERT LETT	5.5
GEN BUS MATTERS-AUG 31 201	4,424.0
UNI NTL BANK VS CRAFT BUIL	147.0
BRENDA GENTRY-AUG 31 2010	687.3
TOTAL:	7,697.7

MILEAGE KERIT BD MTG 9-14-

TOTAL: 123.0

123.0

FERTILIZER 350.0

CONTRACT MOWING 3,218.6

PARKS 199.1

Cancel 3 Way Calling 238-1 2.6



DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
ENGINEERING	GENERAL FUND	GEARY COUNTY PUBLIC WORKS	ENGINEERING-UNLEADED	41.0
			ENGINEERING-FUEL SUR 15.66	0.7
		CARD CENTER	JIM'S 66-BATTERY FOR TRUCK	104.9
			TOTAL:	146.7
DES ENFORCEMENT	GENERAL FUND	CENTURYLINK COMMUNICATION, INC.	CODE ENFORCEMENT	131.6
		F & R SERVICES	BLIGHTS-29 LOTS	1,450.0
			BLIGHTS-12 LOTS	600.0
		GEARY COUNTY PUBLIC WORKS	726 - Sort 1	122.3
			726 - Sort 2	124.4
			720 - Sort 1	148.6
			720 - Sort 2	78.1
			FUEL SURCHARGE 1/2	5.6
		HAROLD GLESSNER DIRT CON.	DEMO OF HOUSE @ 1220 N EIS	1,140.0
			DEMO OF HOUSE @ 538 W 12TH	1,240.0
			TOTAL:	5,040.7
LICE	GENERAL FUND	RANDY LANDREVILLE	2010 EQUIPMENT ALLOWANCE	195.6
		QUANTICO TACTICAL SUPPLY	1627 BODY ARMOR	1,300.0
		CENTURYLINK COMMUNICATION, INC.	POLICE	702.9
			DISPATCH	702.9
		BUD'S WRECKER SERVICE	60680 TOWING FEES 10-9850	65.0
		TELEPLUS SOLUTIONS	Cancel Line RNA 762-2987	21.4
			Cancel Line RNA 238-4272	21.9
			Cancel Line RNA 238-4288	21.9
			Cancel Line RNA - 762-8664	22.0
			Billing Credit 762-2987 Re	22.0
			Billing Credit 762-8664 Re	22.8
			Cancel Line RNA 762-2987	21.4
			Cancel Line RNA 238-4272	21.9
			Cancel Line RNA 238-4288	21.9
			Cancel Line RNA - 762-8664	22.0
			Invest Copier - Ex Copy Fe	1,435.7
			8016524074 FAX CARTRIDGE	60.9
		CENTURY UNITED COMPANIES, INC	2010 EQUIPMENT ALLOWANCE	200.0
		STAPLES ADVANTAGE	64703 SUBPOENA COMPLIANCE	50.0
		DUSTIN FISHER	SERVICE CONTRACT/MAINT POL	188.5
		METROPICS, INC. WIRELESS, INC.	SERVICE CONTRACT/MAINT POL	188.5
		KA-COMM	91488 RADIO CORD	40.3
			510807807 OFFICER RAINCOAT	47.9
		GALLS INC	1266831 ACCIDENT DRUG SCRE	20.0
		GEARY COMMUNITY HOSPITAL	PD FUEL AUGUST 2010	8,292.7
		GEARY COUNTY PUBLIC WORKS	1297 CVSA CERTIFICATION-AR	1,295.0
		N.I.T.V.	2010 EQUIPMENT ALLOWANCE	193.5
		KEITH FITZGERALD	182114 QP GRAPHICS UNIT 22	75.0
		ADVANCED GRAPHIX INC		

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
			EVDO Aircard - Spare	40.0
			EVDO Aircard - Spare	40.0
			EVDO Aircard - Unit 202	40.0
			EVDO Aircard - Unit 204	41.8
			EVDO Aircard - Unit 206	40.0
			EVDO Aircard - Unit 208	40.0
			EVDO Aircard - Unit 210	40.0
			EVDO Aircard - Unit 212	41.5
			EVDO Aircard - Unit 216	40.0
			EVDO Aircard - Unit 223	40.0
			City - Fiber Internet	1,500.0
			1042JER-BATTERY UNIT 218	192.4
			1035JER-A/C 99 F250	117.1
			1030JER-BLOWER MOTOR #250	91.5
			1049JER-DIEF CVR,LOF,BELT	135.2
			1050JER-LOF,TIRE ROTATE #2	60.8
			1058JER-LOF,TIRE ROTATE #2	60.8
			1008JER-LOF,TIRE ROTATE #	60.8
			1054JER-BRAKES,LOF,TIRE RO	227.0
			1057JER-LOF,TIRE ROTATE #	62.8
			1053JER-BRAKES,LOF,TIRE RO	245.6
			159904ORAP-DR LOCK SW	30.9
			167770ORAP-BATTERIES #216	3.2
			161386ORAP-HEATER CORE #21	26.2
			163824ORAP-AIR FILTER #216	4.2
			163740ORAP-SELF ADJ KIT #2	9.9
			163716ORAP-GEAR OIL #250	9.9
			163683ORAP-WHL SEAL #250	4.7
			163697ORAP-DRUM HDW KIT #2	3.8
			163181ORAP-CERAMIC PAD/ROT	197.0
			1643329ORAP-WIPER BLADE #24	3.7
			167480ORAP-ACCUMULATOR	66.4
			167347ORAP-ACCUMULATOR	66.4
			172329ORAP OVERPAYMENT	4.9
			1069JER-BRAKES,LOF,TIRE RO	123.7
			94203 CPL-UNIFORM CLEANING	98.0
			94229 CPL-UNIFORM CLEANING	25.9
			STAPLES-TONER CARTRIDGE	156.7
			STAPLES-TONER CARTRIDGE	164.9
			STAPLES-PLOTTER PRINTHEAD	191.7
			WALMART-CERTIFICATE FRAME	4.0
			15389 B&K-COFFEE, SUGAR	83.2
			332269 BOX&SHIP-TASER TRN	4.3
			STAPLES TAPE,POST-ITS	37.3
			STAPLES TAPE,POST-ITS	37.3

			JCCC - CIV TRAINING	79.0
			FCS-LITHIUM BATTERY	5.4
			WTV-BATTERIES	22.1
			QUANTICO TACTICAL-UNIFORMS	293.0
			QUANTICO TACTICAL-UNIFORMS	48.0
			4678-DAVE'S MUFFLER-REPAIR	20.0
			WTV-BACK DOOR REPAIR	8.4
			PROF ALTERATION-UNIFORM SE	103.0
			OFFICE WORLD-SHREDDER BAGS	298.9
			KS TRUCK-DISPATCH CHAIR RE	230.0
			REW-DISPATCH CEILING TILES	61.0
			QUANTICO-OFFICER UNIFORMS	98.0
			SEP 2010 MOBILE FINGERPRIN	50.4
			TOTAL:	22,501.7

			FIRE	318.1
			SERVICE CONTRACT/MAINT FIR	173.5
			PERIMETER LIGHT/E30	150.0
			DIESEL FUEL - FIRE	1,255.2
			MOTOR FUEL - FIRE	154.0
			CARRIDGE KING/INK CARTRID	120.5
			CARRIDGEKING/INK CARTRIDG	90.2
			AUTOZONE/BATTERY S1	94.9
			MILLESONS/OIL & AIR FILTER	67.6
			WATERS/COUPLINGS FOR E30	2.7
			WATERS/NIPPLE, TAPE, ELBOW	10.0
			WATERS/UNDERLAYMENT	13.5
			WALMART/PAPER TOWELS	22.5
			WATERS/CONNECTORS	5.5
			TOTAL:	2,479.0

			14TH ST-OPPOSITE RATHERT F	20.0
			1701 N ADAMS	15.0
			8TH ST AT GARFIELD DITCH	5.0
			AIRPORT/JACKSON ST ROW-ALL	710.0
			COMMONWEALTH DRIVE ROW	25.0
			GRANT AVE ISLAND-FRONTAGE	300.0
			WATER PLANT-EXCEPT AROUND	400.0
			WESTWOOD BLVD-ISLANDS	150.0
			EAST 10TH ST PROPERTY	100.0
			K-18 ROW	50.0
			EIM DALE ROAD ROW	75.0
			PUMP STATIONS @ ADAMS ST	75.0
			EIM DALE ROAD RIGHT SIDE	150.0
			HWY 57	1,000.0

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
			FIRE STATION #2- LACY DRIV	55.0
			HOLLY LANE ISLAND	5.0
			LACY DRIVE	100.0
			MEADOW LANE ROW	10.0
			PUBLIC PROPERTY W 2ND	20.0
			ST MARYS ROAD ROW(CHURCH)	30.0
			VACANT DRAINAGE DITCH-RILE	12.0
			INDUSTRIAL PARK ROW	100.0
			WATER TOWER-SPRUCE ST	45.0
			WATER TOWER-WEST ASH ST	40.0
			CHADWICK	5.0
			DITCH LINE RR PROPERTY-225	10.0
			E ASH ST NEAR RR TRACKS	70.0
			SVR ROW	180.0
			SVR ADDITION ISLANDS	80.0
			STRAUSS BLVD ISLANDS R/W	300.0
			I 70 ROW	600.0
			EASH ASH ST LIFT STATION	50.0
			SOUTH JACKSON ST DRAINAGE	30.0
			ASH ST CHESTNUT SOUTH	230.0
			136 E 3RD	27.0
			225 E 3RD	27.0
			6TH ST UNDERPASS	100.0
			SANDUSKY ROW	75.0
			THE BLUFFS AREA	100.0
			TOM NEAL INDUSTRIAL PARK A	200.0
			SVR-R/W-K-18 N TO RUCKER R	600.0
			FOX SPARROW ENTRANCES SUITE	75.0
			SOUTHWIND/KJCK EAST TO TOW	200.0
			E Chestnut RR Crossing	26,478.8
			PUBLIC WORKS	131,428.5
			PUBLIC WORKS	131,428.5
			TOTAL:	297,484.8
RT	GENERAL FUND	CENTURYLINK COMMUNICATION, INC.	MUNICIPAL COURT	193.4
		ADDAIR THURSTON, CHTD.	ANDRE GARVIN 10-CR-370	475.0
		AIZPRUA. LAURA	INTERPRETOR SERVICE 9-2-10	10.0
			INTERPRETOR SERVICE 9-16-1	10.0
			INTERPRETOR SERVICE 9-27-1	20.0
			OFFICE SUPPLIES-MUN. COURT	68.2
		STAPLES ADVANTAGE	BOND REFUND 10-01013A	135.0
		CROWDER, SEHONDRA	RESTITUTION CASE 10-04252	100.0
		JOHNSON, HISAKO	BOND REFUND CASE 10-07575	300.0
		WALKER, MARILYN	KEY FOR DOOR @ MUN. COURT	1.7
		CARD CENTER	MATS @ MUNICIPAL COURT	14.0
		CINTAS #451		

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
N-DEPARTMENTAL	GRANTS	STAPLES	SENIOR CARD NIGHT - FOOD	35.6
			CLEANING SUPPLIES	36.4
			TIMECARDS	10.9
			TOTAL:	457.9
		INTERNAL REVENUE SERVICE	FEDERAL WITHHOLDING	1,115.0
			FICA WITHHOLDING	261.0
			MEDICARE WITHHOLDING	177.0
			ING	172.5
		ING LIFE INSURANCE & ANNUITY COMPANY	AMERICAN UNITED LIFE	24.3
		AMERICAN UNITED LIFE INSURANCE COMPANY	AMERICAN UNITED LIFE	24.3
			BLUE CROSS BLUE SHIELD	79.7
			BLUE CROSS BLUE SHIELD	66.3
		BLUE CROSS BLUE SHIELD OF KS	BLUE CROSS BLUE SHIELD	202.0
			FIREFIGHTERS AID ASSOCIATION	12.3
		JUNCTION CITY FIREFIGHTERS AID ASSOCIATION	DELTA DENTAL OF KANSAS	29.5
		DELTA DENTAL (PAYROLL)	DELTA DENTAL OF KANSAS	29.6
			FIREMAN'S RELIEF	32.0
		FIREMEN'S RELIEF ASSOCIATION	I.A.F.F. LOCAL 3309	103.9
		JUNCTION CITY FIRE FIGHTERS ASSOCIATION	STATE WITHHOLDING	475.3
		KANSAS DEPT OF REVENUE	KPERS #1	182.1
		KANSAS PUBLIC EMPLOYEES	KP&E	569.7
		POLICE & FIREMEN'S	POLICE & FIRE INSURANCE	124.3
			POLICE & FIRE INSURANCE	124.8
		INTRUST BANK	FIRST STATE BANK	106.0
		AMERICAN FAMILY LIFE ASSURANCE COMPANY	AFLAC	47.8
			AFLAC	48.0
		UNITED WAY OF JUNCTION CITY-GEARY COUN	UNITED WAY	21.4
			TOTAL:	4,029.9
LF HELP HOUSING	GRANTS	CENTURYLINK COMMUNICATION, INC.	SELF HELP HOUSING	63.6
		LORI HODGSON	TRVL REIMI-SEPT 1-SEPT 15	85.0
		HOME LUMBER CO.	STAPLER GR CAP	215.0
		CARD CENTER	KEY OFFICE-SUPPLIES 2010	70.6
			BOX&SHIP-SHIPPING 2010	83.8
			USPS-SHIPPING 2010 GRANT A	11.4
			KEY OFFICE-SUPPLIES 2010 G	150.0
			KEY OFFICE-SUPPLIES 2010 G	5.7
			WESTERN EXTRALITE-WIREHOLD	9.8
			SHELL OIL-GAS CITY TRUCK	75.0
			HOME DEPOT-FAMILY TOOLS (SP	538.2
			HOME DEPOT-FAMILY TOOLS (CU	69.9
			TOTAL:	1,378.3
02 BULLET-PROOF VEST GRANTS		QUANTICO TACTICAL SUPPLY	1627 BODY ARMOR	1,300.0

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
		CENTURYLINK COMMUNICATION, INC.	CUPS, LIDS	42.7
		LINDSAY MARS	SPIN CITY	89.8
		CONSOLIDATED PRINTING	TRVL REIMB-AUG 2-AUG 30 20	40.0
		SECURITY SOLUTIONS INC	BUSINESS CARDS	87.1
		CARD CENTER	SPIN CITY	22.3
			Color Inkjet Cart - SC Man	53.9
			Spin City - Cable	88.0
			AIR FRESHNER-AIR FRESHNER	4.8
			WALMART-ICE	1.9
			WALMART-GLADE PLUG IN	2.8
			PIZZA HUT-PIZZA PACKAGE BD	16.2
			WALMART-BATTERIES, SOAP, T	25.3
			WALMART-CHILI, BUNS	28.4
			WALMART-TOILET GEL, SCRUBBE	34.8
			PIZZA HUT-PARTY	16.2
			WALMART-PIZZA, CAKE, ICE CRE	92.3
			WALMART-SOCKS	37.4
			PIZZA HUT-PIZZA PARTY	16.2
			WALMART-SOCKS, ERASE MARKER	23.0
			WALMART-POPCORN, HOT COCOA	70.5
			TIMECARDS	21.9
			REDEMPTION PRIZES	54.4
			TOTAL:	1,154.3
DEPARTMENTAL	MILITARY AFFAIRS/O	INTERNAL REVENUE SERVICE	FEDERAL WITHHOLDING	166.6
			FICA WITHHOLDING	148.9
		KANSAS DEPT OF REVENUE	MEDICARE WITHHOLDING	34.8
		KANSAS PUBLIC EMPLOYEES	STATE WITHHOLDING	78.4
		UNITED WAY OF JUNCTION CITY-GEARY COUN	KPEERS #1	77.0
			UNITED WAY	10.0
			TOTAL:	515.9
DEPARTMENTAL	WATER & SEWER FUND	ALL AMERICAN ADMINISTRATORS (LOYAL AME	CANCER PLAN	12.0
			CANCER PLAN	12.0
		FAMILY SUPPORT PAYMENT CENTER (MISSOUR	MACSS #41061331/ CV103-753	154.8
		INTERNAL REVENUE SERVICE	FEDERAL WITHHOLDING	2,003.9
			FICA WITHHOLDING	1,343.6
			MEDICARE WITHHOLDING	314.2
			ING	221.0
		ING LIFE INSURANCE & ANNUITY COMPANY	AMERICAN UNITED LIFE	60.5
		AMERICAN UNITED LIFE INSURANCE COMPANY	AMERICAN UNITED LIFE	60.5
			BLUE CROSS BLUE SHIELD	33.2
			BLUE CROSS BLUE SHIELD	139.5
			BLUE CROSS BLUE SHIELD	99.7
			BLUE CROSS BLUE SHIELD	292.5



DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
WATER PRODUCTION	WATER & SEWER FUND	CLARKE WELL AND EQUIPMENT INC	FIRST STATE BANK	133.3
		VEOLIA WATER NORTH AMERICA	AFLAC	9.4
			AFLAC	9.4
		UNITED WAY OF JUNCTION CITY-GEARY COUN	UNITED WAY	37.5
			TOTAL:	6,965.1
WATER ADMINISTRATION	WATER & SEWER FUND	CENTURYLINK COMMUNICATION, INC.	CONST OF WATER WELL 18	72,615.1
		GEARY COUNTY PUBLIC WORKS	WATER UTILITY	141,758.0
		HD SUPPLY WATERWORKS, LTD	WATER UTILITY	141,758.0
		INCODE	TOTAL:	356,131.1
		PITNEY BOWES		
		CARD CENTER		
		CINTAS #451		
WATER ADMINISTRATION	WATER & SEWER FUND	PITNEY BOWES	WATER ADMINISTRATION	307.3
		POSTMASTER	WATER-UNLEADED	447.4
			WATER-SURCHARGE AND CARD	10.2
			RUBBER WASHERS FOR METERS	88.9
			Web - Utilities Inquiry	320.0
			WATER PORTION OF BILL	3,040.5
			WUPD - Internet Connection	189.9
			Certified Address Software	131.0
			PARS FOR METER READER TRUC	39.2
			KEY OFFICE-PAPER/STAPLES/B	31.9
			YOUR AUTO-ALTER REPLACE	128.1
			YOUR AUTO-LABOR-ALTER REPL	66.0
			SCRAPER/BROWN MAT	40.3
			UNIFORMS-LANGDON, KENNY	9.7
			TOTAL:	4,850.7
WATER ADMINISTRATION	WATER & SEWER FUND	PITNEY BOWES	SEWER PORTION OF BILL	3,040.5
		POSTMASTER	SEPT 2010-POSTAGE MACHINE	5,000.0
			TOTAL:	8,040.5
SEWERTREAT PLANTS	WATER & SEWER FUND	VEOLIA WATER NORTH AMERICA	WASTEWATER UTILITY	184,070.0
			WASTEWATER UTILITY	184,070.0
			TOTAL:	368,140.0
N-DEPARTMENTAL	ROLLING MEADOWS GO	INTERNAL REVENUE SERVICE	FEDERAL WITHHOLDING	985.3
		AMERICAN UNITED LIFE INSURANCE COMPANY	FICA WITHHOLDING	604.2
		BLUE CROSS BLUE SHIELD OF KS	MEDICARE WITHHOLDING	141.3
		DELTA DENTAL (PAYROLL)	AMERICAN UNITED LIFE	69.4
		INTRUST BANK	AMERICAN UNITED LIFE	69.4
			BLUE CROSS BLUE SHIELD	55.4
			BLUE CROSS BLUE SHIELD	33.6
			DELTA DENTAL OF KANSAS	42.6
			DELTA DENTAL OF KANSAS	42.6
			SAVINGS BOND	37.5

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
		ACCUCOOL	ICEMAKER REPAIR	142.0
		CENTURYLINK COMMUNICATION, INC.	GOLF COURSE	149.5
		CONSOLIDATED PRINTING	BROCHURES - MARKETING GRAN	1,025.0
		CROWN DISTRIBUTORS, INC.	CROWN DISTRIBUTORS, INC.	281.8
			CROWN DISTRIBUTORS, INC.	36.8
			CROWN DISTRIBUTORS, INC.	162.0
		FLINT HILLS BEVERAGE LLC	FLINT HILLS BEVERAGE LLC	38.2
		TITLEIST	FEGAN CUSTOM GOLF BALLS	94.0
			STOCK GOLF BALLS	593.8
		BRINKS INCORPORATED	GOLF-OCTOBER 2009	231.6
		PEPSI	PEPSI	276.1
			PEPSI	138.4
			PEPSI	104.1
		CARD CENTER	OVER THE HILL TOURN FOOD	86.5
			OVER THE HILL TOURN FOOD	21.4
			OVER THE HILL TOURN PLAQUE	200.0
			Golf - Internet Connection	59.9
			MASKING TAPE	7.9
			MOUSE TRAP	2.9
			HOT DOG BUNS	8.8
			CLOSET INSIDE PART KIT	31.9
			HOT DOG BUNS	8.8
			Waters - Weedater Heads(2	55.9
			Reeves Wiedeman - Tape(3)	1.9
		TIELKE ENTERPRISE, LLC	SANDWICH ORDER	28.4
			TOTAL:	4,362.7
	STORM WATER	ALL AMERICAN ADMINISTRATORS (LOYAL AME	CANCER PLAN	4.2
		INTERNAL REVENUE SERVICE	CANCER PLAN	4.2
			FEDERAL WITHHOLDING	31.9
			FICA WITHHOLDING	19.1
		AMERICAN UNITED LIFE INSURANCE COMPANY	MEDICARE WITHHOLDING	4.4
			AMERICAN UNITED LIFE	4.1
			AMERICAN UNITED LIFE	4.1
		BLUE CROSS BLUE SHIELD OF KS	BLUE CROSS BLUE SHIELD	9.9
		DELTA DENTAL (PAYROLL)	DELTA DENTAL OF KANSAS	2.6
			DELTA DENTAL OF KANSAS	2.6
		INTRUST BANK	SAVINGS BOND	3.1
			SAVINGS BOND	3.1
		KANSAS DEPT OF REVENUE	SAVINGS BOND	3.1
		KANSAS PUBLIC EMPLOYEES	STATE WITHHOLDING	12.1
			KPEERS #1	12.8
			TOTAL:	118.9
DEPARTMENTAL	ECONOMIC DEVELOPME	INTERNAL REVENUE SERVICE	FEDERAL WITHHOLDING	157.3
			FICA WITHHOLDING	158.3

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
ECONOMIC DEVELOPMENT	ECONOMIC DEVELOPMENT	CENTURYLINK COMMUNICATION, INC.	EDC	179.3
		TELEPLUS SOLUTIONS	Cancel call Forward 762-19	1.0
			Cancel Centrex Trunk -762-	6.7
			Rec 6 Credit 238-1976	6.6
			Cancel call Forward 762-19	1.0
			Cancel Centrex Trunk -762-	6.7
		U.S. CELLULAR	MINUTES PACKAGE	103.1
		GEARY COUNTY PUBLIC WORKS	DIESEL FUEL - JUPITER GRP	909.0
		CARD CENTER	WALMART-WATER/COKE/DIET CO	25.5
			DILIONS-BOARD BREAKFAST	39.1
			KEY OFFICE-BINDERS/NOTES	48.5
			TOTAL:	1,326.8
CKSON/6TH INTERSECT	SPECIAL HIGHWAY FUND	KANSAS DEPT OF TRANSPORTATION	6TH AND JACKSON	5,630.0
			TOTAL:	5,630.0
BSTER/6TH INTERSECT	SPECIAL HIGHWAY FUND	KANSAS DEPT OF TRANSPORTATION	6TH AND WEBSTER	4,297.7
			TOTAL:	4,297.7
SPECIAL HIGHWAY	SPECIAL HIGHWAY FUND	CENTURYLINK COMMUNICATION, INC.	ENGINEERING	175.6
			TOTAL:	175.6
SANITATION PICKUP	SANITATION FUND	VEOLIA WATER NORTH AMERICA	SANITATION	103,679.5
			SANITATION	103,679.5
			805 KINGSBURY	75.0
			1736 N JEFFERSON	150.0
			TOTAL:	207,584.0
SANITATION ADMINISTRATION	SANITATION FUND	VEOLIA WATER NORTH AMERICA	351 GRANT AVE	270.0
			1516 N JEFFERSON	115.0
			1705 MCFARLAND	115.0
			1212 W ASH	215.0
			140 E 2ND	115.0
			1056 CEDAR	115.0
			1010 W 8TH	215.0
			518 SKYLINE	115.0
			1005 HIGHLAND	115.0
			518 W 10TH	115.0
			739 W 7TH	320.0
			910 W ASH	115.0
			1418 CANDLELIGHT	115.0
			934 S GARFIELD	215.0
			304 W 15TH	115.0
			513 S WASHINGTON	115.0
			621 SHERIDAN	115.0

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
			1705 MCFARLAND	115.0
			1212 W ASH	215.0
			140 E 2ND	125.0
			304 W 15TH	120.0
			1056 CEDAR	115.0
			1010 W 8TH	215.0
			513 S WASHINGTON	115.0
			125 SUNSET	130.0
			1419 CANDLELIGHT	215.0
			510 SKYLINE-OVER CHARGE	230.0
			1005 HIGHLAND-OVER CHARGE	115.0
			1056 CEDAR	115.0
			1010 W 8TH	215.0
			513 S WASHINGTON	115.0
			603 W 6TH	130.0
			1224 W 19TH	115.0
			531 W 8TH	115.0
			1104 MARSHALL	115.0
			428 W 13TH-HAMMOND	62.0
			901 W 11TH-MOORE	310.0
			817 W 11TH-MOORE	77.5
			TOTAL:	6,578.5
			VENTRIA IRB MONTHLY PMT	99,965.1
			TOM NEAL INDUSTRIAL LOAN P	40,009.1
			TOM NEAL INDUSTRIAL LOAN I	10,847.3
			OPERA HOUSE LOAN INTEREST	500.7
			TOTAL:	151,322.4
			GOLF CLUB HOUSE	1,516.2
			GOLF COURSE	3,424.9
			GOLF COURSE-CART SHED	172.7
			1807 LYDIA LN-WARNING SIRE	51.0
			SEWER LIFT	32.0
			BROOKBEND LIFT STATION	77.9
			LIFT STATION- HILLTOP #5	995.2
			2542/2548 JAGER DR SWR LIF	236.8
			2326/2321 OSPREY SWR LIFT	234.3
			2515 WILMA-OLIVIA FARMS-LI	76.9
			QUINTON POINT SIREN	18.8
			LIGHTS AT HUNTERS RIDGE	554.6
			LIGHTS AT HARGRAVES #2	61.6
			LIGHTS AT INDIAN RIDGE/MID	39.9
			LIGHTS AT HARGRAVES#5	123.3
			LIGHTS AT OLIVIA FARMS	45.9

PARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUN
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		WESTAR ENERGY	135 W 7TH-SEPT 10 (OPERA)	3,482.1
			1821 CAROLINE-SEPT 2010	54.1
			2718 INDUSTRIAL-SEPTEMBER	3,486.9
			TOTAL:	15,485.6

EMPLOYEE BENEFITS	EMPLOYEE BENEFITS	INTERNAL REVENUE SERVICE	FICA WITHHOLDING	6,388.5
			MEDICARE WITHHOLDING	3,814.0
		BLUE CROSS BLUE SHIELD OF KS	BLUE CROSS BLUE SHIELD	2,418.8
			BLUE CROSS BLUE SHIELD	302.3
			BLUE CROSS BLUE SHIELD	604.7
			BLUE CROSS BLUE SHIELD	4,384.2
			BLUE CROSS BLUE SHIELD	9,373.1
			BLUE CROSS BLUE SHIELD	151.1
			BLUE CROSS BLUE SHIELD	453.5
			BLUE CROSS BLUE SHIELD	302.3
			KP&F REFUND 2009	2,894.8
		TIMOTHY BROWN	SEPT 2010 COBRA J. BLACK	64.5
		DELTA DENTAL (PREMIUMS)	SEPT. 2010 PREMIUMS	6,717.8
			1ST QTR HEALTH BENEFITS	14,654.4
		DOROTHY BRAMLAGE LIBRARY	2ND QTR HEALTH INS	14,238.2
			HEALTH BENEFIT 1ST HALF DI	73,639.5
		KANSAS PUBLIC EMPLOYEES	KPERS #1	5,786.6
			KP&F	23,121.1
			KPERS #2	1,260.2
			TOTAL:	112,785.0

N-DEPARTMENTAL	DRUG & ALCOHOL ABU	INTERNAL REVENUE SERVICE	FEDERAL WITHHOLDING	238.6
			MEDICARE WITHHOLDING	26.2
		BLUE CROSS BLUE SHIELD OF KS	BLUE CROSS BLUE SHIELD	39.8
		JUNCTION CITY POLICE	JCPOA	20.0
		KANSAS DEPT OF REVENUE	STATE WITHHOLDING	96.2
		KANSAS PUBLIC EMPLOYEES	KP&F	129.6
			TOTAL:	550.6

N-DEPARTMENTAL	SPECIAL IE TRUST F	INTERNAL REVENUE SERVICE	FEDERAL WITHHOLDING	24.9
			FICA WITHHOLDING	29.1
			MEDICARE WITHHOLDING	6.8
		BLUE CROSS BLUE SHIELD OF KS	BLUE CROSS BLUE SHIELD	8.4
		KANSAS DEPT OF REVENUE	STATE WITHHOLDING	12.4
		KANSAS PUBLIC EMPLOYEES	KPERS #1	19.6
		INTRUST BANK	FIRST STATE BANK	12.5
			TOTAL:	113.9

SPECIAL LAW EN	MEMEN SPECIAL IE TRUST F	GEARY COUNTY ATTORNEY	070810 AUCTION - ATTORNEY	2,340.5
		GRANDVIEW PLAZA PD	070810 AUCTION PROCEEDS	385.9

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
DE BUILD 2006	HOME BUILD USD 475	KANSAS GAS SERVICE	TOTAL:	11,854.5
		WESTAR ENERGY	610 W 14TH-FINAL-2010	20.2
			610 W 14TH-FINAL-2010	20.3
			TOTAL:	40.6

FUND TOTALS	
01 GENERAL FUND	467,507.40
02 GRANTS	6,708.28
10 SPIN CITY	1,592.03
14 MILITARY AFFAIRS/OLD TROO	515.94
15 WATER & SEWER FUND	744,127.50
17 ROLLING MEADOWS GOLF FUND	7,249.67
18 STORM WATER	118.94
19 ECONOMIC DEVELOPMENT	2,082.42
22 SPECIAL HIGHWAY FUND	10,103.48
23 SANITATION FUND	214,162.50
25 CAPITAL IMPROVEMENT FUND	151,322.45
30 UTILITY CHARGES FUND	15,485.60
35 EMPLOYEE BENEFITS FUND	112,785.02
47 DRUG & ALCOHOL ABUSE FUND	550.64
50 SPECIAL IE TRUST FUND	11,968.54
75 HOME BUILD USD 475	40.66
GRAND TOTAL:	1,746,321.07

SELECTION CRITERIA

LECTION OPTIONS

ENDOR SET: 01-CITY OF JUNCTION CITY, KS  
ENDOR: All  
ASSIFICATION: All  
NK CODE: All  
EM DATE: 0/00/0000 THRU 99/99/9999  
EM AMOUNT: 9,999,999.00CR THRU 9,999,999.00  
POST DATE: 0/00/0000 THRU 99/99/9999  
ECK DATE: 9/16/2010 THRU 9/29/2010

YROLL SELECTION

YROLL EXPENSES: NO  
ECK DATE: 0/00/0000 THRU 99/99/9999

INT OPTIONS

INT DATE: None  
QUENCE: By Department  
SCRIPTION: Distribution  
ACCTS: NO  
PORT TITLE: APPROPRIATIONS---SEPT 16-SEPT 29 2010  
GNATURE LINES: 0

CKET OPTIONS

CLUDE REFUNDS: YES  
CLUDE OPEN ITEM:NO





**CITY COMMISSION MINUTES**

September 21, 2010

7:00p.m.

The regular meeting of the Junction City City Commission was held on Tuesday, September 21, 2010 with Mayor Mike Rhodes presiding.

The following members of the Commission were present: Terry Heldstab, Scott Johnson, Mike Rhodes, Ken Talley, and Jack Taylor. Staff present was: City Manager Gerry Vernon, City Attorney Catherine Logan, and City Clerk Tyler Ficken.

**PUBLIC COMMENT**

Ken Dunham of Hoover Rd. stated that sewage water placed on the Kaw Valley Industrial Park farmland may have made his wife sick. He stated that a virus will not die in the material. He stated that he does not want to smell the sewage all the time. Commissioner Johnson requested information regarding the amount of sewage that would be applied. Steve Hoambrecker stated that he was prepared to address the subject during new business on the agenda.

Carolyn Mayo introduced herself to the Commission as the interim director of the Opera House.

Deb Johnston of 1320 McFarland stated that she received information from the City via open record request regarding the amounts the City receives in franchise fees. She stated that the 2009 total was almost a million dollars. She stated that she paid the City \$7.50 for the information. Commissioner Johnson suggested that instead of franchise fees, the City could increase property taxes as they are tax deductible. Deb Johnston mentioned that officials in Bell City, California were arrested for having employment contracts that were not approved by the Commission. Deb Johnston stated that the City charges the maximum fee of 5%; she stated that this needs to be discussed in the newspaper and radio.

**CONSENT AGENDA**

The consideration and approval of **Appropriation Ordinance A-18-2010** dated September 2 – September 15, 2010 in the amount of \$1,121,719.51. Commissioner Heldstab moved, seconded by Commissioner Taylor to approve the consent agenda. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

Approval of the **September 7, 2010** City Commission Meeting Minutes; approval of the amended **August 17, 2010** City Commission Meeting Minutes. Commissioner Heldstab moved, seconded by Commissioner Taylor to approve the consent agenda. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

The consideration and approval of Change order #1 by Clarke Well & Equipment to decrease the contract amount for Well #18 by \$2,395.00 and to increase the contract days by 107 days. Commissioner Heldstab moved, seconded by Commissioner Taylor to approve the consent agenda. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

#### Monthly Reports:

1. Rolling Meadows
2. Personnel
3. EMS
4. Fire

Commissioner Taylor stated that he would like a profit/loss statement for Rolling Meadows Golf Course. Cheryl Beatty states that it would be provided.

### **SPECIAL PRESENTATIONS**

Presentation of a Certificate of Appreciation to Armour Eckrich on behalf of the City of Junction City. Mayor Rhodes presented the certificate.

Presentation on a Proclamation recognizing the month of September as National Alcohol and Drug Addiction Recovery Month. Mayor Rhodes read the proclamation.

Officer Wigton will present Certificate/award to the September Yard of the Month winner. Mayor Rhodes presented the award for September Yard of the Month.

### **PUBLIC HEARING**

A public hearing to consider condemnation of the structure at 1803 Oakridge Dr and approval of Resolution R-2631. Mark Karmann stated that this property was purchased at tax sale but the prior owner has a right to reclaim the property for 90 days; for this reason the condemnation will proceed. He stated that the City should re-evaluate the property at the end of 120 days. Mark Karmann stated that the City wants the building to be torn down or rebuilt. Mayor Rhodes opened and closed the public hearing. Commissioner Heldstab moved, seconded by Commissioner Johnson to approve R-2531 for 120 days. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

A public hearing to consider condemnation of structure at 914 and 916 Kramer Court. Mark Karmann stated that this property is involved in a lawsuit. He stated that it is the intention of the owner to finish the project or sell the project. Commissioner Johnson stated that they have had 15 months already. Mark Karmann stated that the developer would have 120 days before the City will bid the demolition project. Mayor Rhodes opened and closed the public hearing on the condemnation of 914 and 916 Kramer Court. Commissioner Heldstab moved, seconded by Commissioner Johnson to approve R-2625 for 120 days. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

## UNFINISHED BUSINESS

The consideration and approval of **G-1077** to update the City Ordinance to accurately reflect the new 2010 Standard Traffic Ordinance. **(Final Reading) DeZago.** Commissioner Taylor moved, seconded by Commissioner Johnson to approve Ordinance G-1077 on final reading. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

## NEW BUSINESS

The Consideration and approval of ordinance **(G-1081)** amending Title V, Building and Construction, Title VII, Utilities, of the Municipal Code of the City of Junction City by revising language regarding what improvements may be made in lands dedicated as rights-of-way and/or easements and clarifying the permitting and fee requirements for driveways and lawn sprinkler systems. **(First Reading) Yearout.** Commissioner Johnson moved, seconded by Commissioner Taylor to approve Ordinance G-1081 on first reading. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

The consideration and approval of a farmland lease agreement for the Kaw Valley Industrial Park farmland. Commissioner Johnson stated that he was worried about the fluid, and whether Nutriject would be farming the land. Steve Hoambrecker stated that Nutriject places 7.6 million gallons of bio solids on farmland sites; the material is 97% waster and 3% solid. Commissioner Johnson asked if there have been violations by the company in the past. Steve stated that complaints have been about smell. Bruce Jensen of Nutriject stated that the company places the amount of material that crops require; it is similar to 1.5 inches of rain. Bruce Jensen stated that the company follows all laws with regard to distances from roads, wells, and property lines; he stated that this is not a hazardous material. Commissioner Johnson asked if application of the materials would be above or below ground. Bruce Jensen stated that the biosolids would be applied by a pull behind tank on the surface. The City staff needs to check to make sure that application of the materials is legal within City limits. Mayor Rhodes asked if this property would become a primary location for disposal, or only when necessary. Bruce Jensen stated that in the past when the City was unable to remove the biosolids from the plant, the City was required to put the biosolids in retention ponds. Commissioner Taylor asked who makes the decision where to put the material. Bruce Jensen stated that the Nutriject works with the plant managers and land owners. Mr. Strauss talked about his bid and the maintenance of a connecting link road. He stated that a gate has been placed on the road. Dibben stated that he submitted the best bid, and he could work with Nutriject. Commissioner Talley stated that if the land is not going to be used by the City, then the City should consider selling the property; he stated that the deed is in the name of the Spirit of 76. The Commission would like to have more information including: what part of the property cannot be brought out of the flood plain and can be sold, and are biosolids allowed to be spread in the City. Commissioner Heldstab moved, seconded by Commissioner Johnson to table the item

for future consideration. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

### **COMMISSIONER COMMENTS**

Commissioner Johnson stated that he had received e-mails regarding the water & sewer rate increases. The City had no choice but to increase rates. He stated that the City needs to look into how to collect money from developers.

Mayor Rhodes thanked Commissioner Talley for running the Commission Meeting on 9-7-2010 in his absence.

### **STAFF COMMENTS**

City Manager Vernon stated that he has good numbers to present at the CPC meeting at Ft. Riley later in the week. City Manager Vernon reminded the citizens and Commissioners of the Open City Hall project; he would like the service to be used more.

Mayor Rhodes asked for the Commission to consider a letter of support for the Geary Community Hospital. The letter will be sent to each Commissioner via e-mail.

### **EXECUTIVE SESSION**

A session to discuss legal issues of attorney client privilege to include the Commission, City Manager Vernon, and City Attorney Logan; not to exceed 15 minutes. Commissioner Heldstab moved, seconded by Commissioner Talley to adjourn into executive session at 8:25 PM not to exceed 15 minutes to discuss attorney client privileges. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried. Included in the Executive Session were the Commission, City Manager Vernon, and the City Attorney Logan. Commissioner Heldstab moved, seconded by Commissioner Johnson to reconvene into regular session at 8:40 PM having made no decisions nor taken any action while in executive session. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.

A session to discuss personnel issues of attorney client privilege to include the Commission, City Manager Vernon, and City Attorney Logan; not to exceed 20 minutes. Commissioner Heldstab moved, seconded by Commissioner Johnson to adjourn into executive session at 8:43 PM not to exceed 20 minutes to discuss personnel issues of attorney client privileges. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried. Included in the Executive Session were the Commission, City Manager Vernon, City Attorney Logan, and via teleconference Becky McGinnis. Commissioner Heldstab moved, seconded by Commissioner Johnson to reconvene into regular session at 9:05 PM having made no decisions nor taken any action while in executive session. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.

## **ADJOURNMENT**

Commissioner Heldstab moved, seconded by Commissioner Taylor to adjourn at 9:05 PM Ayes: Heldstab, Johnson, Talley, Taylor. Nays: None. Motion Carried.

APPROVED AND ACCEPTED THIS 5th DAY OF OCTOBER 2010 AS THE OFFICIAL COPY OF THE JUNCTION CITY CITY COMMISSION MINUTES FOR SEPTEMBER 21, 2010.

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Tyler Ficken, City Clerk

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Mike Rhodes, Vice Mayor




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## City of Junction City

### City Commission

#### Agenda Memo

September 27, 2010

From: Tricia Gowen, Public Services Director   
To: Mayor and Commissioners  
Subject: September 2010 Payroll

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**Objective:** The consideration and approval of Payroll #18 and #19 for the month of September 2010.

**Explanation of Issue:** The payrolls for September 2010 were calculated as follows:

Payroll #18	\$207,189.71	September 10, 2010
Payroll #19	\$197,957.37	September 24, 2010

**Alternatives:** It appears that the City Commission has the following alternatives concerning the issues at hand. The Commission September:

Approve, disapprove or table the September 2010 Payroll request.

**Recommendation:** City Staff recommends that the City Commission approve the September 2010 Payroll.

**Enclosures:**

1. Payroll Check Register September 10, 2010 (Payroll #18)
2. Payroll Check Register September 24, 2010 (Payroll #19)

\*\*\* REGISTER TOTALS \*\*\*

REGULAR CHECKS:		
DIRECT DEPOSIT	201	206,304.79
REGULAR CHECKS:		
MANUAL CHECKS:		
PRINTED MANUAL CHECKS:		
DIRECT DEPOSIT	4	884.92
MANUAL CHECKS:		
VOIDED CHECKS:		
NON CHECKS:		
TOTAL CHECKS:	205	207,189.71

\*\*\* NO ERRORS FOUND \*\*\*

\*\* END OF REPORT \*\*



\*\*\* REGISTER TOTALS \*\*\*

REGULAR CHECKS:		
DIRECT DEPOSIT REGULAR CHECKS:	200	197,661.16
MANUAL CHECKS:		
PRINTED MANUAL CHECKS:		
DIRECT DEPOSIT MANUAL CHECKS:	1	296.21
VOIDED CHECKS:		
NON CHECKS:		
TOTAL CHECKS:	201	197,957.37

\*\*\* NO ERRORS FOUND \*\*\*

\*\* END OF REPORT \*\*



3d1

Community Involvement  
Unit  
Monthly Report  
August '10

August 3	Middle School Principal Meeting
August 10	reserve Training
August 12	Freshman Success Academy Open House
August 13	Ft. Riley National Night Out
August 14	Reserve Physiological Test
August 24	Reserve Training
August 27	New Life presentation/JCHS Football & Dance

Community Involvement  
Unit  
Monthly Report  
August '10

Officer Bobby Whitten:		Year to Date:
Cases:	3	44
Tickets:	0	3
Arrests:	0	5
Student Contacts:	17	2220
Parent Contacts:	8	90
Admin./Teacher Contacts:	0	110
Classes Taught	0	426

Officer Mike Jefferson:		
Cases:	0	11
Tickets:	0	1
Arrests:	0	2
Student Contacts:	0	78
Parent Contacts:	0	44
Admin./Teacher Contacts:	0	50
Classes Taught	0	17

Officer Eddie Torres:		
Cases:	9	124
Tickets:	1	34
Arrests:	2	16
Student Contacts:	21	400
Parent Contacts:	8	126
Admin./Teacher Contacts:	0	0
Presentations	0	6

Officer David Egar:		
Cases:	0	0
Tickets:	14	14
Arrests:	0	5
Transports:	0	0

	Attempted:	Served:
Warrants:	10	5
Papers:	70	27

# Code Enforcement



## "Fight the Blight '10"

### August Activity

#### Code Enforcement

#### August 2-6

Mowed 15 tall vegetation violations.

#### August 9-13

Issued 15 tall vegetation and 10 blight violations. Mowed eight tall vegetation violations.

#### August 16-20

Issued five tall vegetation and 23 blight violations. Mowed nine tall vegetation violations.

#### August 23-27

Issued seven tall vegetation and 15 blight violations. Mowed seven tall vegetation violations. Performed three clean ups.

#### August 30-31

Issued three new blight violations. Issued one tall vegetation violations.

Clean up month total    Blight month total

3                                51

Year to Date clean up

32

Vehicles towed

0

Total Vehicles towed

5

Personal Contacts

11

Door Hangers

8

Additional Cases

6

Citations

0

Arrests

0

Monthly tall grass

28

Year to date tall grass total

347

Total Grass Cuttings

151

Blight Citations

1

Yr. to Date

3

Patrol

1 Days

Bailiff

3 Days

*Animal Control*  
*August 2010*

CASES:

Dispatched: 121

Self Initiated: 10

TOTAL 131

Citations: 3

Contacts:

Personal Contacts: 80

Door Hangers: 31

Animals Captures:

Dogs: 44

Cats: 38

Ducks: 0

Raccoons: 9

Bats: 4

Snakes: 0

Opossums: 3

Bobcat: 0

Ground Hog: 0

Muskrat: 0

Coyote: 0

Skunk: 0

Alligator: 0

10-40 Animals: 35

JUNCTION CITY POLICE DEPARTMENT

FINANCIAL REPORT FOR: AUGUST, 2010

YEAR TO DATE \$ 2791.50

COPIES.....\$ 289.00  
01-4-01-00-0356

TAXI LICENSE.....\$ 27.00  
01-4-01-00-0334

MISC..... (FP/NOISE).....\$ 125.00  
01-4-01-00-0421

DISCOVERY/DISK REVENUE.....\$ 100.00  
01-4-01-000-421

MONTHLY TOTAL.....\$ 541.00

YEAR TO DATE TOTAL.....\$ 3332.50

# Calls - By Type

08/01/2010 thru 08/31/2010

Agency is: JCPD

Type	Description	# Of Calls
22	911 HANG UP	8
6	ACCIDENT	114
45	AMBULANCE ASSIST	2
88	AMBULANCE RUN	16
78	ANIMAL BITE	2
46	ANIMAL COMPLAINT	161
107	ANIMAL RUNNING AT LARGE	3
1	ASSAULT	4
50	ASSIST OUTSIDE AGENCY	30
113	ATTEMPT TO LOCATE ADULT	2
116	ATTEMPT TO LOCATE JUVENILE	16
28	BATTERY	16
3	BURGLARY	49
79	BURGLARY ALARM	85
62	CHECK WELFARE	74
42	CHILD ABUSE	4
41	CHILD ENDANGERMENT	1
40	CHILD IN NEED OF CARE	2
63	CITIZEN ASSIST	20
110	CITY ORDINANCE VIOLATION	1
103	CIVIL MATTER	7
37	DAMAGE TO PROPERTY	48
82	DEATH INVESTIGATION	2
58	DELIVER MESSAGE	4
71	DISORDERLY CONDUCT	2
68	DISTURBANCE	74
65	DOMESTIC	70
72	DUI	5
87	FIRE CALL	21
67	FIREWORK COMPLAINT	3
32	FORGERY	4
44	GUN REGISTRATION	1
117	HOUSECHECK	7
115	IDENTITY THEFT	2
55	INFORMATION	241
101	INTERFERENCE WITH PARENTAL CUSTODY	1
56	JUVENILE COMPLAINT	50
38	LEWD & LASCIVIOUS BEHAVIOR	1
85	LICENSES	1
102	LIQUOR VIOLATION	1
77	LITTERING/DUMPING	4
81	LOST & FOUND PROPERTY	33
98	MAKING A FALSE WRITING	2
31	MOTOR VEHICLE THEFT	4
34	NARCOTICS	10
49	NOISE COMPLAINT	70
59	OPEN DOOR/WINDOW	12
91	OVERDOSE	2
112	PUBLIC INTOXICATION	3
89	PUBLIC NUISANCE	51



Type	Description	# Of Calls
24	RAPE	2
69	REMOVE SUBJECT	23
27	ROBBERY	2
64	SHOTS FIRED	5
187	SOLICITING	1
29	STALKING	2
61	STANDBY	45
120	SUICIDAL SUBJECT	8
73	SUSPICION	43
90	TALL GRASS/VEGETATION	35
95	TELEPHONE HARASSMENT	11
4	THEFT	56
75	THREATS	10
47	TRAFFIC HAZARD	13
11	TRAFFIC STOP	860
51	TRANSIENT ASSISTANCE	25
76	TRESPASSING	6
97	UNLAWFUL USE OF A FINANCIAL CARD	14
60	VEHICLE COMPLAINT	133
94	VIOLATION OF PFA/NO CONTACT ORDER	6
188	WARRANT ARREST	21
Total		2,667

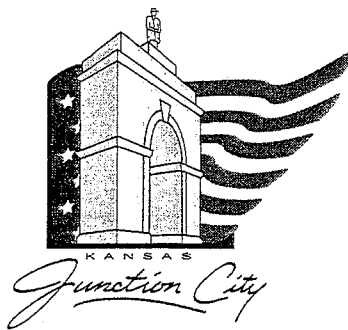
JUNCTION CITY POLICE DEPARTMENT  
Monthly DOG Activities

LOGS ACTIVITIES FOR AUGUST 2010

*Chief*

Month : DATE	CASE #	Activity	Arrests			Meth Lab	Search Warrant	In JC	In Asst	Seizures			
			#	Sex	Age					Drugs	Assets	Firearms	Auto
7/28/10	10-8918	Illegal Drug Investigation						X		Crack			
7/29/10	10-9009	Illegal Drug Investigation						X		M/J			
7/30/10	10-09652	Narcotics						X		Crack Cocaine			
8/3/10	10-9279	Arrest/Search Warrant	1	M	W		X	X		Meth	\$700.00		
8/3/10	10-9288	Warrant Arrest	1	F	B			X					
8/3/10	10-08740	Narcotics Investigation								M/J			
8/3/10	10-08740	Narcotics Investigation								M/J			
8/4/10	10-9358	Illegal Drug Investigation						X		Powder Cocaine			
8/5/10	10-9427	Illegal Drug Investigation						X		Crack			
8/5/10	10-9428	Illegal Drug Investigation						X		Crack			
8/5/10	10-05094	M/J purchase						X		M/J			
8/6/10	10-09476	Search Warrant 1624 W.W. Blvd					X	X		M/J			
8/7/10	10-09607	Assist Outside Agency					X	X					
8/11/10	10-9714	Drive While Suspended	1	M	B			X					
8/13/10	10-1094	Warrant Arrest-Loan Tran	1	F	A								
8/13/10	10-9817	Driving While Revoked, Obstruct of Legal Process-Jeff Sender	2	M/F	W								
8/13/10	10-09829	Driving w/o a License	1	F	B								
8/13/10	04-10095	Warrant Arrest-Geard Allison Davis	1	M	B								
8/16/10	10-08896	Warrant Arrest-Kenneth Brandenburg	1	M	W								
8/17/10	10-09736	Drug Investigation								Loralab	5 pills		
8/17/10	10-02452	Warrant Arrest-Donekka Geiger	1	F	B								
8/17/10	10-10059	Poss. Of M/J-Donekka Geiger	1	F	B								
8/17/10	10-10061	Assist outside Agency-Donekka Geiger	1	F	B								
8/19/10	10-10196	Home Visit	1	M	W				X	M/J	trace		
8/20/10	10-10273	Home Visit	2	1F/1M	W			X		M/J	4 grms		
										Cocaine	2 grms		
										Pills	Multiple		
										Hydrocodone	5 pills		
										Morphine	2 pills		
										Cocaine	\$100.00 cash		1999 Mercury
8/24/10	10-09736	Narcotics Investigation-William Dotson											
8/25/10	10-10547	Warrant Arrest-Barbara Smith	1	F	B								
8/25/10	10-10559	Narcotics Investigation-Danielle Maria Jones											
8/26/10	10-10579	Poss Cocaine	2	M	1W/1B			X					
8/26/10	10-10589	Theft-Suspect stole \$30.00 from CI											
8/27/10	10-10661	Narcotics Investigation	18	9M/9F	8W/9B/1A		3	12	1	Crack Cocaine	\$800.00		1
		Totals :								Crack Cocaine	.5 grms		
										Crack Cocaine	10 grms		
										M/J	16.5 grms		
										Loralab	5 pills		
										Hydrocodone	5 pills		
										Morphine	2 pills		
										Meth	9.2 grms		
										Powder Cocaine	3.4 grms		
										Cocaine	2 grms		
										Pills	Multiple		

**Cheryl Beatty**  
**Finance Director**  
[www.cheryl.beatty@jcks.com](http://www.cheryl.beatty@jcks.com)  
(785) 238-3103 ext 305



3d2  
Municipal Building  
P. O. Box 827  
700 N. Jefferson St.  
Junction City, KS 66441

MONTHLY FINANCIAL REVIEW FOR CITY COMMISSION  
As of August 31, 2010

Attached please find the following:

1. Monthly Treasurer's Report
2. Revenue & Expense Summary Report (unaudited)
  - a. Detail is available electronically available upon request.
  - b. Rolling Meadows Golf information requested posted with budget summary.
3. IRB information as requested.
  - a. Listing of City IRB's - list shows with and without City participation.
4. Debt Payments made in September
  - a. Central National Bank for \$50,856.58 for Tom Neal Industrial Park.
  - b. Central National Bank for \$500.72 for Opera House IRB – annual interest only of a \$10,000 balance required for 5 years for tax credit qualification.
  - c. Security Bank for \$99,965.15 for Ventria Project
  - d. Emprise Bank for \$40,010.32 for Cap Gemini
  - e. University Bank for \$42,178.93 for Cap Gemini
  - f. Bitterman & Button for \$49,116.96 for Ventria Project

<b>City Commitment IRB's:</b>	<b>Date</b>	<b>Amount Issued:</b>	<b>Final Maturity Date</b>	<b>Option to Purchase</b>	<b>Balance</b>
Ventria BioScience Project	2007	\$5,260,000	2/1/2012		\$2,543,407.59
Cargemini Equipment Project #2	2007	\$1,325,000	1/1/2011		
Cargemini Building Project #1	2007	\$4,675,000	1/1/2023		
Opera House Project - Now Part Go Bond	2007 DWS	\$5,500,000 \$3,298,156	3/1/2062		
Spirit of '76, Inc. - <del>CLOSED</del> <b>VENTURIA</b>	2005	\$1,500,000	5/4/2015		
Spirit of '76, Inc. - <b>BOURCHASE FOUNDRY</b>	2004	\$1,375,000		7/1/2005	
<b>IRB's - NCC*</b>					
	<b>Date</b>	<b>Amount Issued:</b>			
Hammmons Hotel & Convention Ctr	2003	\$13,350,000		10/12/2006	
Grocery Supply company	2006	\$9,500,000	2/1/2011		
Rimrock Project	2008	\$2,000,000	11/1/2018		
Upland Mutual Insurance, Inc.	2004	\$1,000,000	7/01/2015 (estimate)		
<b>Housing Revenue Bonds - NCC*</b>					
	<b>Date</b>	<b>Amount Issued:</b>			
Coronado Heights LLC, Series B	1999	\$1,075,000.00	2019		
Coronado Park Residences, II LLC Series A	2001	\$1,800,000.00		12/1/2001	
Coronado Park Residences, L.C. Series B	1997	\$900,000.00	11/1/2015		
Eagles Landing Partners LLC	2006	\$9,605,000.00	4/1/2033		
Eagles Landing Partners LLC	2007	\$1,000,000.00	5/1/2034		
Hunter's Ridge LLC	2005	\$10,000,000.00	10/1/2030		
			1st day of the 300th month after Amortization Commencement Date. Amortization Commencement Date is 1st day of 1st calendar month after the date on which the Certificate of Completion is delivered.		
Hunter's Ridge LLC - Phase II	2008	\$1,502,000.00			
New Horizons RV Project Series A & B	2007	\$1,975,000.00	8/1/2022		
Washington Court Equities, L.P.	2000	\$1,350,000.00	6/1/2030		

\*No City Commitment

Ventria Annual Rent \$550,000 + 180,000 = 730,000  
Cargemini Annual Rent \$142,857

Annual Bond Payment = \$1,396,649.64  
Annual Bond Payment = \$1,052,355.84

Junction City  
Estimated Cash Flow Analysis  
August 2010 - Page 2 of 2

<u>Expense Breakdown:</u>	<u>August</u>	<u>September</u>	<u>October</u>	<u>November</u>	<u>December</u>
Payroll + Benefits	\$ 750,000.00	\$ 750,000.00	\$ 750,000.00	\$ 750,000.00	\$ 1,100,000.00
Veolia	\$ 1,134,000.00	\$ 558,000.00	\$ 558,000.00	\$ 558,000.00	\$ 558,000.00
Gas/Electric	\$ 40,000.00	\$ 35,000.00	\$ 35,000.00	\$ 45,000.00	\$ 50,000.00
Phone	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00
Street Lights	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00
Contract Attorney	\$ 25,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00
Contract Mowing	\$ 30,000.00	\$ 30,000.00	\$ 15,000.00	\$ -	\$ -
Other Contract Labor	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00
Debt	\$ 143,000.00	\$ 143,000.00	\$ 143,000.00	\$ 143,000.00	\$ 143,000.00
KDHE Loans	\$ 27,500.00	\$ 304,000.00			
RHID	\$ 231,325.00				
Other Debt			\$ 130,000.00		\$ 90,000.00
Clark Well				\$ 73,000.00	
Fuel Expense	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00
Arts Council/Opera Hs	\$ 20,000.00	\$ 5,000.00	\$ 12,500.00		
Middle Creek			\$ 200,000.00		
Insurance	\$ 35,000.00				
Airport - Bld Rpr		\$ 10,000.00			
Railroad			\$ 42,000.00		
Miscellaneous	\$ 80,000.00	\$ 55,000.00	\$ 55,000.00	\$ 55,000.00	\$ 55,000.00
ViSA	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00
<b>Total Expenses</b>	<b>\$ 2,602,825.00</b>	<b>\$ 1,997,000.00</b>	<b>\$ 2,047,500.00</b>	<b>\$ 1,731,000.00</b>	<b>\$ 2,103,000.00</b>
<b>Total Expect Revnue</b>	<b>\$ 1,958,000.00</b>	<b>\$ 2,913,100.00</b>	<b>\$ 1,782,500.00</b>	<b>\$ 1,594,000.00</b>	<b>\$ 1,564,000.00</b>
<b>Revenue - Expense</b>	<b>\$ (644,825.00)</b>	<b>\$ 916,100.00</b>	<b>\$ (265,000.00)</b>	<b>\$ (137,000.00)</b>	<b>\$ (539,000.00)</b>
<b>TOTAL CASH Bal</b>	<b>\$ (669,725.00)</b>				
 New Utility Revenue 9/10/10		40%			
\$2/m Sanitation - 6700	\$ -	\$ 5,360.00	\$ 13,400.00	\$ 13,400.00	\$ 13,400.00
\$3/m Water - 9600	\$ -	\$ 11,520.00	\$ 28,800.00	\$ 28,800.00	\$ 28,800.00
\$2/m Wastewater - 9375	\$ -	\$ 7,500.00	\$ 18,750.00	\$ 18,750.00	\$ 18,750.00
	\$ -	\$ 24,380.00	\$ 60,950.00	\$ 60,950.00	\$ 60,950.00
 Reduce Expenses:					
Payroll Furlough	\$ -	\$ 50,234.00	\$ 100,468.00	\$ 100,468.00	\$ 150,702.00
Contract Emp Furlough	\$ -	\$ 7,500.00	\$ 15,000.00	\$ 15,000.00	\$ 22,500.00
	\$ -	\$ 82,114.00	\$ 176,418.00	\$ 176,418.00	\$ 234,152.00
 <b>TOTAL New Rev/Exp</b>	<b>\$ 669,102.00</b>				

CITY OF JUNCTION CITY  
MONTHLY TREASURERS REPORT  
AS OF: AUGUST 31ST, 2010

FUND	BEGINNING CASH BALANCE	PERIOD REVENUES	NET CHANGE IN ASSETS	PERIOD EXPENDITURES	NET CHANGE IN LIABILITIES	ENDING CASH BALANCE
1 - GENERAL FUND	( 193,474.86)	506,923.99	( 89,046.89)	870,966.47	372,530.90	( 841,061.35)
2 - GRANTS	( 141,940.46)	99,553.89	0.00	24,351.57	1,245.13	( 67,983.27)
3 - RURAL HOUSING DISTRICT	( 3,622.19)	0.00	0.00	397,677.14	0.00	( 401,299.33)
4 - SPIN CITY	( 9,787.23)	14,325.41	( 5,500.00)	17,663.11	( 646.48)	( 6,978.45)
5 - BOND & INTEREST	( 1,735,427.06)	0.00	0.00	413,477.50	0.00	( 1,321,949.56)
6 - MILITARY AFFAIRS/OLD TROO	( 9,814.98)	7,746.06	482.05	5,126.24	0.00	( 7,677.21)
7 - WATER & SEWER FUND	502,719.03	686,005.11	43,873.73	1,292,814.71	( 311,071.82)	163,107.52
8 - GOLF RESERVE FUND	6,665.00	1,445.50	0.00	0.00	0.00	8,110.50
9 - ROLLING MEADOWS GOLF FUND	( 14,811.66)	52,016.45	0.00	39,131.04	( 5,553.29)	3,627.04
10 - STORM WATER	406,600.71	60,191.16	1,211.11	769.78	0.00	464,810.98
11 - ECONOMIC DEVELOPMENT	138,662.60	0.00	0.00	14,459.25	( 5,549.26)	129,752.61
12 - LIBRARY FUND	0.00	0.00	0.00	0.00	0.00	0.00
13 - SPECIAL HIGHWAY FUND	1,011,771.06	0.00	0.00	12.71	158.34	1,011,600.01
14 - SANITATION FUND	( 20,529.09)	111,654.50	( 37,325.45)	107,193.50	( 107,193.50)	128,450.86
15 - CAPITAL IMPROVEMENT FUND	( 62,609.80)	24,730.00	0.00	191,791.17	0.00	( 229,670.97)
16 - FIRE EQUIPMENT RESERVE	( 10,630.34)	0.00	0.00	0.00	0.00	( 10,630.34)
17 - UTILITY CHARGES FUND	57,808.49	4,062.79	( 3,112.92)	70,040.34	0.00	( 5,056.14)
18 - EMPLOYEE BENEFITS FUND	( 107,070.27)	7,724.16	723.57	144,292.98	( 390.00)	( 243,972.66)
19 - SUNDOWN SALUTE	1,238.53	514.00	( 6.89)	1,082.00	0.00	677.42
20 - DRUG & ALCOHOL ABUSE FUND	89,324.53	0.00	0.00	4,115.20	0.00	85,209.33
21 - MOTOR POOL FUND	0.00	0.00	0.00	0.00	0.00	0.00
22 - SPECIAL LE TRUST FUND	112,479.06	16,515.69	0.00	5,360.49	( 157.24)	123,791.50
23 - TRUST & AGENCY FUND	0.00	0.00	0.00	0.00	0.00	0.00
24 - REVOLVING LOAN FUND	246,365.27	5,268.21	1,353.35	0.00	0.00	250,280.13
25 - DARE	15,557.72	0.00	0.00	0.00	0.00	15,557.72
26 - HOME BUILD USD 475	( 54,044.14)	55,134.74	0.00	141.23	949.37	0.00
27 - BUILDINGS & GENERAL IMP	( 1,679,608.15)	18,214.98	0.00	0.00	0.00	( 1,661,393.17)
OVERALL TOTALS	2,016,675.89	1,672,026.64	949.37	1,892,595.46	0.00	231,202.29

\*\*\* END OF REPORT \*\*\*

01 -GENERAL FUND  
FINANCIAL SUMMARY

	CURRENT	M-T-D	Y-T-D	% OF	UNENCUMBERED	Y-T-D	ENCUMBERED
	BUDGET	REV/EXP	REV/EXP	BUDGET	BALANCE	ENCUMBRANCES	BALANCE
<b>REVENUE SUMMARY</b>							
GENERAL FUND	10,982,275	388,439.46	6,794,792.74	61.87	4,187,481.76	0.00	4,187,481
ADMINISTRATION	0	18,603.48	20,971.43	0.00	( 20,971.43)	0.00	( 20,971
SWIMMING POOL	73,000	7,331.71	71,799.03	98.35	1,200.97	0.00	1,200
AIRPORT	950	0.00	6,950.16	731.60	( 6,000.16)	0.00	( 6,000
AMBULANCE	900,000	64,779.57	770,739.54	85.64	129,260.46	0.00	129,260
ANIMAL SHELTER	0	0.00	0.00	0.00	0.00	0.00	0
COUNTY/INS ZONING SVCS	0	0.00	0.00	0.00	0.00	0.00	0
INSPECTION	18,119	17,650.65	( 125,648.21)	693.46-	143,767.21	0.00	143,767
POLICE	0	2,606.37	17,425.23	0.00	( 17,425.23)	0.00	( 17,425
COURT	0	6,897.75	55,990.35	0.00	( 55,990.35)	0.00	( 55,990
OPERA HOUSE	0	0.00	0.00	0.00	0.00	0.00	0
JUNCTION CITY ARTS	0	0.00	0.00	0.00	0.00	0.00	0
RECREATION	88,423	615.00	51,915.82	58.71	36,506.68	0.00	36,506
<b>TOTAL REVENUES</b>	<b>12,062,766</b>	<b>506,923.99</b>	<b>7,664,936.09</b>	<b>63.54</b>	<b>4,397,829.91</b>	<b>0.00</b>	<b>4,397,829</b>
<b>EXPENDITURE SUMMARY</b>							
GENERAL FUND	0	0.00	0.00	0.00	0.00	0.00	0
AUTOMATION	157,606	1,519.13	51,830.48	32.89	105,775.52	0.00	105,775
ADMINISTRATION	1,311,642	55,636.35	1,004,650.27	76.59	306,991.73	0.00	306,991
AN RELATIONS	0	0.00	0.00	0.00	0.00	0.00	0
ADMINISTRATIVE SERVICES	17,251	1,020.04	9,077.64	52.62	8,173.36	0.00	8,173
BUILDING MAINTENANCE	25,000	0.00	17,902.95	71.61	7,097.05	0.00	7,097
PARKS	483,491	24,094.14	229,961.25	47.56	253,529.80	0.00	253,529
SWIMMING POOL	165,276	28,278.60	120,690.87	73.02	44,585.13	0.00	44,585
18TH ST. BUILDING	0	0.00	0.00	0.00	0.00	0.00	0
AIRPORT	210,404	1,893.28	81,682.46	38.82	128,721.54	0.00	128,721
AMBULANCE	1,172,231	78,152.43	760,518.04	64.88	411,712.96	0.00	411,712
ANIMAL SHELTER	75,000	7,101.00	48,486.47	64.65	26,513.53	0.00	26,513
COUNTY/INS ZONING SVCS	12,800	950.81	8,936.77	69.82	3,863.23	0.00	3,863
ENGINEERING	0	5,336.35	40,208.72	0.00	( 40,208.72)	0.00	( 40,208
INSPECTION	104,591	10,702.97	105,550.82	100.92	( 959.82)	0.00	( 959
POLICE	4,232,510	323,394.80	2,628,050.95	62.09	1,604,459.05	0.00	1,604,459
FIRE	1,463,140	101,755.70	939,234.87	64.19	523,905.13	0.00	523,905
STREET	2,766,641	183,238.41	2,568,614.52	92.84	198,026.48	0.00	198,026
COURT	218,182	18,677.92	144,942.39	66.43	73,239.61	0.00	73,239
OPERA HOUSE	0	18,045.66	21,753.29	0.00	( 21,753.29)	0.00	( 21,753
JUNCTION CITY ARTS	0	26.46	3,264.85	0.00	( 3,264.85)	0.00	( 3,264
RECREATION	278,276	11,102.42	89,002.33	31.98	189,273.67	0.00	189,273
NEIGHBORHOOD REVITALIZATI	59,648	0.00	19,927.87	33.41	39,720.13	0.00	39,720
<b>TOTAL EXPENDITURES</b>	<b>12,753,689</b>	<b>870,926.47</b>	<b>8,894,287.81</b>	<b>69.74</b>	<b>3,859,401.24</b>	<b>0.00</b>	<b>3,859,401</b>
<b>REVENUE OVER/(UNDER) EXPENDITURES</b>	<b>( 690,923)</b>	<b>( 364,002.48)</b>	<b>( 1,229,351.72)</b>	<b>177.93</b>	<b>538,428.67</b>	<b>0.00</b>	<b>538,428</b>

CITY OF JUNCTION CITY  
REVENUE & EXPENSE REPORT (UNAUDITED)  
AS OF: AUGUST 31ST, 2010

02 -GRANTS  
FINANCIAL SUMMARY

	CURRENT BUDGET	M-T-D REV/EXP	Y-T-D REV/EXP	% OF BUDGET	UNENCUMBERED BALANCE	Y-T-D ENCUMBRANCES	B. ERRED BALANCE
<u>REVENUE SUMMARY</u>							
LLEBG 2004	0	0.00	0.00	0.00	0.00	0.00	0.
FLINTHILLS JLUS	0	0.00	0.00	0.00	0.00	0.00	0.
EMERGENCY SHELTER	0	0.00	11,654.47	0.00	( 11,654.47)	0.00	( 11,654.
2005 JAG	0	15,854.83	62,276.28	0.00	( 62,276.28)	0.00	( 62,276.
BRYNE GRANT 2004	0	0.00	0.00	0.00	0.00	0.00	0.
HOME GRANT	0	0.00	0.00	0.00	0.00	0.00	0.
SELF HELP HOUSING	0	20,829.75	98,918.08	0.00	( 98,918.08)	0.00	( 98,918.
CDBG	0	0.00	0.00	0.00	0.00	0.00	0.
SAFE ROUTES TO SCHOOLS	0	0.00	( 26,775.00)	0.00	26,775.00	0.00	26,775.
COPSMORE GRANT	0	12,411.60	142,810.20	0.00	( 142,810.20)	0.00	( 142,810.
WASTE TIRE GRANT	0	0.00	( 10,097.00)	0.00	10,097.00	0.00	10,097.
GRANT AVE BOAT RAMP	0	0.00	7,887.00	0.00	( 7,887.00)	0.00	( 7,887.
SAFER GRANT	0	50,457.71	101,221.54	0.00	( 101,221.54)	0.00	( 101,221.
SELF-HELP HOUSING	0	0.00	0.00	0.00	0.00	0.00	0.
EMW 2003	0	0.00	0.00	0.00	0.00	0.00	0.
EMW 2004	0	0.00	0.00	0.00	0.00	0.00	0.
JAIBG	0	0.00	1,570.00	0.00	( 1,570.00)	0.00	( 1,570.
OPERA HOUSE	0	0.00	0.00	0.00	0.00	0.00	0.
SELF-HELP HOUSING 01 - 04	0	0.00	0.00	0.00	0.00	0.00	0.
COPS IN SCHOOL	0	0.00	0.00	0.00	0.00	0.00	0.
DUMP #1	0	0.00	0.00	0.00	0.00	0.00	0.
GEARY COUNTY HEALTH COUNC	0	0.00	0.00	0.00	0.00	0.00	0.
GREAT GRANT	0	0.00	0.00	0.00	0.00	0.00	0.
STEP GRANT	0	0.00	0.00	0.00	0.00	0.00	0.
E911 UPGRADE	0	0.00	( 4,916.00)	0.00	4,916.00	0.00	4,916.
CLICK IT/TICKET GRANT	0	0.00	0.00	0.00	0.00	0.00	0.
JAIBG 2003	0	0.00	0.00	0.00	0.00	0.00	0.
FEMA EMW 2003	0	0.00	0.00	0.00	0.00	0.00	0.
JAIBG 2001	0	0.00	0.00	0.00	0.00	0.00	0.
BUFFALO SOLDIER	0	0.00	0.00	0.00	0.00	0.00	0.
KS WILDLIFE & PARKS TRAIL	0	0.00	0.00	0.00	0.00	0.00	0.
G.R.E.A.T. POLICE	0	0.00	0.00	0.00	0.00	0.00	0.
2002 BULLET-PROOF VESTS	0	0.00	1,781.00	0.00	( 1,781.00)	0.00	( 1,781.
C.L.I.P. POLICE	0	0.00	0.00	0.00	0.00	0.00	0.
G.R.E.A.T. 2004	0	0.00	0.00	0.00	0.00	0.00	0.
LLEBG 2003	0	0.00	0.00	0.00	0.00	0.00	0.
HOME FUNDS 1999	0	0.00	0.00	0.00	0.00	0.00	0.
TOTAL REVENUES	0	99,553.89	386,330.57	0.00	( 386,330.57)	0.00	( 386,330.

EXPENDITURE SUMMARY

LLEBG 2004	0	0.00	0.00	0.00	0.00	0.00	0.
FLINTHILLS JLUS	0	0.00	0.00	0.00	0.00	0.00	0.
EMERGENCY SHELTER	0	0.00	13,847.47	0.00	( 13,847.47)	0.00	( 13,847.
2005 JAG	0	0.00	41,863.28	0.00	( 41,863.28)	0.00	( 41,863.
BRYNE GRANT 2004	0	0.00	0.00	0.00	0.00	0.00	0.
HOME GRANT	0	0.00	0.00	0.00	0.00	0.00	0.
SELF HELP HOUSING	0	9,170.09	86,099.65	0.00	( 86,099.65)	0.00	( 86,099.



02 -GRANTS  
FINANCIAL SUMMARY

	CURRENT	M-T-T-D	Y-T-T-D	% OF	UNENCUMBERED	Y-T-T-D	ENCUMBERED
	BUDGET	REV/EXP	REV/EXP	BUDGET	BALANCE	ENCUMBRANCES	BALANCE
CDBG	0	0.00	0.00	0.00	0.00	0.00	0.
SAFE ROUTES TO SCHOOLS	0	0.00	6,094.59	0.00	( 6,094.59)	0.00	( 6,094.
COPSMORE GRANT	0	0.00	141,863.41	0.00	( 141,863.41)	0.00	( 141,863.
WASTE TIRE GRANT	0	0.00	0.00	0.00	0.00	0.00	0.
KS WILDLIFE	0	4,071.36	24,108.46	0.00	( 24,108.46)	0.00	( 24,108.
GRANT AVE BOAT RAMP	0	0.00	4,097.89	0.00	( 4,097.89)	0.00	( 4,097.
SAFER GRANT	0	11,025.12	95,996.17	0.00	( 95,996.17)	0.00	( 95,996.
SELF-HELP HOUSING	0	0.00	0.00	0.00	0.00	0.00	0.
EMW 2003	0	0.00	0.00	0.00	0.00	0.00	0.
EMW 2004	0	0.00	0.00	0.00	0.00	0.00	0.
JAIBG	0	0.00	0.00	0.00	0.00	0.00	0.
OPERA HOUSE	0	0.00	0.00	0.00	0.00	0.00	0.
SELF-HELP HOUSING 01 - 04	0	0.00	0.00	0.00	0.00	0.00	0.
COPS IN SCHOOL	0	0.00	0.00	0.00	0.00	0.00	0
DUMP #1	0	0.00	0.00	0.00	0.00	0.00	0
GEARY COUNTY HEALTH COUNC	0	0.00	0.00	0.00	0.00	0.00	0
GREAT GRANT	0	0.00	0.00	0.00	0.00	0.00	0
STEP GRANT	0	0.00	0.00	0.00	0.00	0.00	0
E911 UPGRADE	0	0.00	118,602.64	0.00	( 118,602.64)	0.00	( 118,602
CLICK IT/TICKET GRANT	0	0.00	0.00	0.00	0.00	0.00	0
JAIBG 2003	0	0.00	0.00	0.00	0.00	0.00	0
PTMA EMW 2003	0	0.00	0.00	0.00	0.00	0.00	0
WILDLIFE & PARKS TRAIL	0	0.00	0.00	0.00	0.00	0.00	0
G.R.E.A.T. POLICE	0	0.00	0.00	0.00	0.00	0.00	0
2002 BULLET-PROOF VESTS	0	0.00	2,600.00	0.00	( 2,600.00)	0.00	( 2,600
HERITAGE TRUST	0	0.00	0.00	0.00	0.00	0.00	0
G.R.E.A.T. 2004	0	0.00	0.00	0.00	0.00	0.00	0
LLEBG 2003	0	0.00	0.00	0.00	0.00	0.00	0
HOME FUNDS 1999	0	0.00	0.00	0.00	0.00	0.00	0
TOTAL EXPENDITURES	0	24,266.57	535,173.56	0.00	( 535,173.56)	0.00	( 535,173
REVENUE OVER/(UNDER) EXPENDITURES	0	75,287.32	( 148,842.99)	0.00	148,842.99	0.00	148,842





CITY OF JUNCTION CITY  
REVENUE & EXPENSE REPORT (UNAUDITED)  
AS OF: AUGUST 31ST, 2010

17 -ROLLING MEADOWS GOLF FUND  
FINANCIAL SUMMARY

	CURRENT BUDGET	M-T-D REV/EXP	Y-T-D REV/EXP	% OF BUDGET	UNENCUMBERED BALANCE	Y-T-D ENCUMBRANCES	BERE BALANCE
<u>REVENUE SUMMARY</u>							
GOLF COURSE	( 561,270)	52,016.45	324,007.38	57.73-	( 885,277.38)	0.00	( 885,277
GOLF COURSE MAINTENANCE	0	0.00	3,975.35	0.00	( 3,975.35)	0.00	( 3,975
<u>TOTAL REVENUES</u>	( 561,270)	52,016.45	327,982.73	58.44-	( 889,252.73)	0.00	( 889,252
<u>EXPENDITURE SUMMARY</u>							
GOLF COURSE	563,309	41,460.66	324,447.25	57.60	238,861.75	0.00	238,861
GOLF COURSE MAINTENANCE	0	0.00	( 2,475.00)	0.00	2,475.00	0.00	2,475
GOLF COURSE CLUBHOUSE	0	( 2,561.29)	0.00	0.00	0.00	0.00	0
<u>TOTAL EXPENDITURES</u>	563,309	38,899.37	321,972.25	57.16	241,336.75	0.00	241,336
REVENUE OVER/(UNDER) EXPENDITURES	( 1,124,579)	13,117.08	6,010.48	0.53-	( 1,130,589.48)	0.00	( 1,130,589
	=====	=====	=====	=====	=====	=====	=====

2010 F

Cash Flow: Budget Beginning 1/1/2010 -0-  
Revenue as of 8/31/2010 \$327,982.73  
Expenses as of 8/31/2010 \$321,972.25  
Ending Balance 8/31/2010 \$ 6,010.48

Beginning cash balance 1/1/2010 -0-  
Golf reserve cash balance 8/31/2010 \$ 8,110.50  
Golf fund cash balance 8/31/2010 \$ 3,627.04  
Posted liabilities as of 8/31/2010 ( 5,553.29)  
Ending Balance 8/31/2010 \$ 6,174.25

Difference of \$163.77 is being reviewed.



~~19 - ECONOMIC DEVELOPMENT~~  
~~FINANCIAL SUMMARY~~

[illegible]

20 - LIBRARY FUND  
FINANCIAL SUMMARY

[illegible]

22 - SPECIAL HIGHWAY FUND  
FINANCIAL SUMMARY

	CURRENT	M-T-D	Y-T-D	% OF	UNENCUMBERED	Y-T-D	ENCUMBERED
	BUDGET	REV/EXP	REV/EXP	BUDGET	BALANCE	ENCUMBRANCES	BALANCE
<b>REVENUE SUMMARY</b>							
JACKSON/6TH INTERSECTION	0	0.00	0.00	0.00	0.00	0.00	
WEBSTER/6TH INTERSECTION	0	0.00	0.00	0.00	0.00	0.00	
US77 ASH	0	0.00	0.00	0.00	0.00	0.00	
US77/K18	0	0.00	0.00	0.00	0.00	0.00	
K57 PROJECT	0	0.00	0.00	0.00	0.00	0.00	
K18 AND KARNs	0	0.00	50,391.87	0.00	( 50,391.87)	0.00	( 50,391.87)
SPECIAL HIGHWAY	451,610	0.00	1,288,925.65	285.41	( 837,315.65)	0.00	( 837,315.65)
<b>TOTAL REVENUES</b>	<b>451,610</b>	<b>0.00</b>	<b>1,339,317.52</b>	<b>296.57</b>	<b>( 887,707.52)</b>	<b>0.00</b>	<b>( 887,707.52)</b>
<b>EXPENDITURE SUMMARY</b>							
JACKSON/6TH INTERSECTION	0	0.00	0.00	0.00	0.00	0.00	
WEBSTER/6TH INTERSECTION	0	0.00	0.00	0.00	0.00	0.00	
US77 ASH	0	0.00	0.00	0.00	0.00	0.00	
SPRING VALLEY RD UPGRADE	0	0.00	( 7,054.79)	0.00	7,054.79	0.00	7,054.79
US77/K18	0	0.00	0.00	0.00	0.00	0.00	
K57 PROJECT	0	0.00	0.00	0.00	0.00	0.00	
K18 AND KARNs	0	0.00	57,581.94	0.00	( 57,581.94)	0.00	( 57,581.94)
ASH/EISENHOWER INTERSECT	0	0.00	0.00	0.00	0.00	0.00	
SPECIAL HIGHWAY	478,760	12.71	332,429.93	69.44	146,330.07	0.00	146,330.07
<b>TOTAL EXPENDITURES</b>	<b>478,760</b>	<b>12.71</b>	<b>382,957.08</b>	<b>79.99</b>	<b>95,802.92</b>	<b>0.00</b>	<b>95,802.92</b>
<b>REVENUE OVER/ (UNDER) EXPENDITURES</b>	<b>( 27,150)</b>	<b>( 12.71)</b>	<b>956,360.44</b>	<b>3,522.51-</b>	<b>( 983,510.44)</b>	<b>0.00</b>	<b>( 983,510.44)</b>

23 - SANITATION FUND  
FINANCIAL SUMMARY

	CURRENT	M-T-D	Y-T-D	% OF	UNENCUMBERED	Y-T-D	ENCUMBER
	BUDGET	REV/EXP	REV/EXP	BUDGET	BALANCE	ENCUMBRANCES	BALANCE
<u>REVENUE SUMMARY</u>							
SANITATION PICKUP	1,373,743	111,654.50	755,994.45	55.03	617,748.55	0.00	617,74
TOTAL REVENUES	1,373,743	111,654.50	755,994.45	55.03	617,748.55	0.00	617,74
<u>EXPENDITURE SUMMARY</u>							
SANITATION PICKUP	1,373,743	103,679.50	907,631.00	66.07	466,112.00	0.00	466,11
SANITATION ADMINISTRATION	0	3,514.00	27,310.13	0.00	( 27,310.13)	0.00	( 27,31
TOTAL EXPENDITURES	1,373,743	107,193.50	934,941.13	68.06	438,801.87	0.00	438,80
REVENUE OVER/(UNDER) EXPENDITURES	0	4,461.00	( 178,946.68)	0.00	178,946.68	0.00	178,94

CITY OF JUNCTION CITY  
REVENUE & EXPENSE REPORT (UNAUDITED)  
AS OF: AUGUST 31ST, 2010

23 -SANITATION FUND  
SANITATION ADMINISTRATION

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	M-T-D REV/EXP	Y-T-D REV/EXP	% OF BUDGET	UNENCUMBERED BALANCE	Y-T-D ENCUMBRANCES	PERCENTAGE BALANCE
<u>EXPENSE</u>							
23-5-45-00-0510 OVERTIME SALARY & WAGES	0	0.00	0.00	0.00	0.00	0.00	0
23-5-45-00-0515 PARTTIME SALARY & WAGES	0	0.00	0.00	0.00	0.00	0.00	0
23-5-45-00-0520 REGULAR TIME SALARY & W	0	0.00	4.27	0.00	4.27	0.00	4
23-5-45-00-0668 POSTAGE & DELIVERY CHAR	0	0.00	0.00	0.00	0.00	0.00	0
23-5-45-00-0703 ADVERTISEMENTS & PRINTI	0	0.00	0.00	0.00	0.00	0.00	0
23-5-45-00-0704 AUDITING CONTRACT	0	0.00	0.00	0.00	0.00	0.00	0
23-5-45-00-0709 DATA PROCESSING PROG.&C	0	0.00	0.00	0.00	0.00	0.00	0
23-5-45-00-0714 REP. & MAINT. OF DATA P	0	0.00	0.00	0.00	0.00	0.00	0
23-5-45-00-0749 OTHER SERVICES	0	3,514.00	27,314.40	0.00	27,314.40	0.00	27,314
23-5-45-00-0755 OFFICE EQUIP. SVC. (SVC	0	0.00	0.00	0.00	0.00	0.00	0
23-5-45-00-1102 TRANSFER TO GENERAL FUN	0	0.00	0.00	0.00	0.00	0.00	0
TOTAL EXPENSE	0	3,514.00	27,310.13	0.00	27,310.13	0.00	27,310
<hr/>							
TOTAL SANITATION ADMINISTRATION	0	3,514.00	27,310.13	0.00	27,310.13	0.00	27,310
<hr/>							
SUBTOTAL EXPENDITURES	1,373,743	107,193.50	934,941.13	68.06	438,801.87	0.00	438,801
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REVENUE OVER/(UNDER) EXPENDITURES	0	4,461.00	178,946.68	0.00	178,946.68	0.00	178,946
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\*\*\* END OF REPORT \*\*\*

25 -CAPITAL IMPROVEMENT FUND  
FINANCIAL SUMMARY

	CURRENT BUDGET	M-T-D REV/EXP	Y-T-D REV/EXP	% OF BUDGET	UNENCUMBERED BALANCE	Y-T-D ENCUMBRANCES	ENCUMBERED BALANCE
<u>REVENUE SUMMARY</u>							
CAPITAL IMPROVEMENT	2,450,883	24,730.00	1,647,007.77	67.20	803,875.23	0.00	803,875
TOTAL REVENUES	2,450,883	24,730.00	1,647,007.77	67.20	803,875.23	0.00	803,875
<hr/>							
<u>EXPENDITURE SUMMARY</u>							
CAPITAL IMPROVEMENT	2,670,827	191,791.17	1,901,995.04	71.21	768,831.96	0.00	931
TOTAL EXPENDITURES	2,670,827	191,791.17	1,901,995.04	71.21	768,831.96	0.00	768,831
REVENUE OVER/(UNDER) EXPENDITURES	( 219,944)	( 167,061.17)	( 254,987.27)	115.93	35,043.27	0.00	35,043
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CITY OF JUNCTION CITY  
REVENUE & EXPENSE REPORT (UNAUDITED)  
AS OF: AUGUST 31ST, 2010

## 47 -DRUG &amp; ALCOHOL ABUSE FUND

## FINANCIAL SUMMARY

	CURRENT BUDGET	M-T-D REV/EXP	Y-T-D REV/EXP	% OF BUDGET	UNENCUMBERED BALANCE	Y-T-D ENCUMBRANCES	ENCUMBERED BALANCE
<u>REVENUE SUMMARY</u>							
DRUG & ALCOHOL ABUSE	79,422	0.00	43,674.28	54.99	35,747.72	0.00	35,747.72
TOTAL REVENUES	79,422	0.00	43,674.28	54.99	35,747.72	0.00	35,747.72
<u>EXPENDITURE SUMMARY</u>							
DRUG & ALCOHOL ABUSE	79,422	4,115.20	35,001.18	44.07	44,420.82	0.00	44,420.82
TOTAL EXPENDITURES	79,422	4,115.20	35,001.18	44.07	44,420.82	0.00	44,420.82
REVENUE OVER/(UNDER) EXPENDITURES	0 (	4,115.20)	8,673.10	0.00 (	8,673.10)	0.00 (	8,673.10)

CITY OF JUNCTION CITY  
REVENUE & EXPENSE REPORT (UNAUDITED)  
AS OF: AUGUST 31ST, 2010

50 -SPECIAL LE TRUST FUND

## FINANCIAL SUMMARY

	CURRENT BUDGET	M-T-D REV/EXP	Y-T-D REV/EXP	% OF BUDGET	UNENCUMBERED BALANCE	Y-T-D ENCUMBRANCES	ENCUMBER BALANCE
<u>REVENUE SUMMARY</u>							
SPECIAL LAW ENFORCEMENT	50,000	16,515.69	137,564.80	275.13	( 87,564.80)	0.00	( 87,56
TOTAL REVENUES	50,000	16,515.69	137,564.80	275.13	( 87,564.80)	0.00	( 87,56
<u>EXPENDITURE SUMMARY</u>							
SPECIAL LAW ENFORCEMENT	50,000	5,360.49	100,013.27	200.03	( 50,013.27)	0.00	( 50,01
TOTAL EXPENDITURES	50,000	5,360.49	100,013.27	200.03	( 50,013.27)	0.00	( 50,01
REVENUE OVER/(UNDER) EXPENDITURES	0	11,155.20	37,551.53	0.00	( 37,551.53)	0.00	( 37,55

CITY OF JUNCTION CITY  
REVENUE & EXPENSE REPORT (UNAUDITED)  
AS OF: AUGUST 31ST, 2010

51 TRUST & AGENCY FUND  
FINANCIAL SUMMARY

[illegible]

CITY OF JUNCTION CITY  
REVENUE & EXPENSE REPORT (UNAUDITED)  
AS OF: AUGUST 31ST, 2010

54 -DARE  
FINANCIAL SUMMARY

[illegible]

CITY OF JUNCTION CITY  
REVENUE & EXPENSE REPORT (UNAUDITED)  
AS OF: AUGUST 31ST, 2010

## 88 -BUILDINGS &amp; GENERAL IMP

## FINANCIAL SUMMARY

	CURRENT BUDGET	M-T-D REV/EXP	Y-T-D REV/EXP	% OF BUDGET	UNENCUMBERED BALANCE	Y-T-D ENCUMBRANCES	ENCUMBERED BALANCE
<u>REVENUE SUMMARY</u>							
INDIAN RIDGE UNIT 5	0	0.00	0.00	0.00	0.00	0.00	0
PRAIRIE RIDGE #2	0	0.00	0.00	0.00	0.00	0.00	0
14TH ST. REDEVELOPMENT	0	0.00	0.00	0.00	0.00	0.00	0
ROUND HOUSE ADDITION	0	0.00	0.00	0.00	0.00	0.00	0
EHLERS HILLTOP ADD	0	0.00	93,894.23	0.00	( 93,894.23)	0.00	( 93,894
OPERA HOUSE	0	0.00	0.00	0.00	0.00	0.00	0
WATER MAIN EXT MIDDLE SC	0	0.00	0.00	0.00	0.00	0.00	0
KANSTEP GRANT ROUNDABOUT	0	0.00	0.00	0.00	0.00	0.00	0
SMOKY HILL MARKETPLACE	0	0.00	0.00	0.00	0.00	0.00	0
GOLDENBELT DEVELOPMENT	0	0.00	0.00	0.00	0.00	0.00	0
TOTAL REVENUES	0	0.00	93,894.23	0.00	( 93,894.23)	0.00	( 93,894
<u>EXPENDITURE SUMMARY</u>							
LIBERTY HALL WATER MAIN	0	0.00	0.00	0.00	0.00	0.00	0
SPR VALL RD/RUCKER STR	0	0.00	0.00	0.00	0.00	0.00	0
INDIAN RIDGE UNIT 5	0	0.00	606,300.12	0.00	( 606,300.12)	0.00	( 606,300
MIDDLE SCHOOL ADDITION	0	0.00	0.00	0.00	0.00	0.00	0
PRAIRIE RIDGE #2	0	0.00	5,135.00	0.00	( 5,135.00)	0.00	( 5,135
INDUSTRIES	0	0.00	0.00	0.00	0.00	0.00	0
CE HILL-ADD UTILITIES	0	0.00	0.00	0.00	0.00	0.00	0
DOC HARGREAVES #4	0	0.00	0.00	0.00	0.00	0.00	0
ASH ST. EXTENSION	0	0.00	128.55	0.00	( 128.55)	0.00	( 128
TURKEY RIDGE ADDITION	0	0.00	3,070.00	0.00	( 3,070.00)	0.00	( 3,070
PRAIRIE RIDGE ADD #1	0	0.00	0.00	0.00	0.00	0.00	0
WILDCAT LANE	0	0.00	0.00	0.00	0.00	0.00	0
BARTELL HOUSE	0	0.00	0.00	0.00	0.00	0.00	0
HUNTER'S RIDGE	0	0.00	0.00	0.00	0.00	0.00	0
TURKEY HOLLOW ADDITION	0	0.00	3,630.00	0.00	( 3,630.00)	0.00	( 3,630
DOC HARGREAVES ADD #3	0	0.00	0.00	0.00	0.00	0.00	0
UPLAND MUTUAL	0	0.00	0.00	0.00	0.00	0.00	0
SPRING VALLEY ADD #2	0	0.00	0.00	0.00	0.00	0.00	0
CLEARY PARK SOFTBALL	0	0.00	0.00	0.00	0.00	0.00	0
14TH ST. REDEVELOPMENT	0	0.00	0.00	0.00	0.00	0.00	0
2005 GEOMETRIC IMP	0	0.00	0.00	0.00	0.00	0.00	0
HIGHWAY 77/GOLDENBELT	0	0.00	0.00	0.00	0.00	0.00	0
RIMROCK DAM STUDY	0	0.00	0.00	0.00	0.00	0.00	0
EMPIRE EDC	0	0.00	0.00	0.00	0.00	0.00	0
BUFFALO COURT	0	0.00	0.00	0.00	0.00	0.00	0
SPRING VALLEY ADD #1	0	0.00	720.00	0.00	( 720.00)	0.00	( 720
WESTWOOD TRIANGLE	0	0.00	0.00	0.00	0.00	0.00	0
WHEATLAND HILLS ADD #4	0	0.00	0.00	0.00	0.00	0.00	0
ROUND HOUSE ADDITION	0	0.00	0.00	0.00	0.00	0.00	0
DOC HARGREAVES ADD #1	0	0.00	0.00	0.00	0.00	0.00	0
GATEWAY BUSINESS PARK	0	0.00	0.00	0.00	0.00	0.00	0
PERSON ADDITION	0	0.00	0.00	0.00	0.00	0.00	0
ERS ADDITION	0	0.00	0.00	0.00	0.00	0.00	0
STRAUSS ADD/SPRING VALLE	0	0.00	0.00	0.00	0.00	0.00	0

CITY OF JUNCTION CITY  
REVENUE & EXPENSE REPORT (UNAUDITED)  
AS OF: AUGUST 31ST, 2010

88 -BUILDINGS & GENERAL IMP  
FINANCIAL SUMMARY

	CURRENT BUDGET	M-T-D REV/EXP	Y-T-D REV/EXP	% OF BUDGET	UNENCUMBERED BALANCE	Y-T-D ENCUMBRANCES	E. JEREC BALANCE
FAITH TABERNACLE ADD	0	0.00	0.00	0.00	0.00	0.00	0.
TOM NEAL INDUSTRIAL PARK	0	0.00	0.00	0.00	0.00	0.00	0.
EHLERS HILLTOP ADD	0	0.00	6,747.33	0.00	( 6,747.33)	0.00	( 6,747.
DOC HARGREAVES ADD #2	0	0.00	0.00	0.00	0.00	0.00	0.
DEER TRAIL ADDITION	0	0.00	0.00	0.00	0.00	0.00	0.
NW INTERCEPTOR SEWER	0	0.00	0.00	0.00	0.00	0.00	0.
BLUFFS	0	0.00	3,070.00	0.00	( 3,070.00)	0.00	( 3,070.
OPERA HOUSE	0	0.00	337,391.77	0.00	( 337,391.77)	0.00	( 337,391.
GARFIELD GARDEN HOMES	0	0.00	3,315.00	0.00	( 3,315.00)	0.00	( 3,315.
WATER MAIN EXT MIDDLE SC	0	0.00	0.00	0.00	0.00	0.00	0.
HICKORY HILLS ADD	0	0.00	4,330.00	0.00	( 4,330.00)	0.00	( 4,330.
NICHOLE LANE	0	0.00	0.00	0.00	0.00	0.00	0.
FLINTHILLS JOINT LAND USE	0	0.00	0.00	0.00	0.00	0.00	0.
DEER CREEK ADD	0	0.00	25,175.00	0.00	( 25,175.00)	0.00	( 25,175.
14TH STREET	0	0.00	0.00	0.00	0.00	0.00	0.
KANSTEP GRANT ROUNDABOUT	0	0.00	0.00	0.00	0.00	0.00	0.
AIRPORT EXPANSION	0	0.00	0.00	0.00	0.00	0.00	0.
SUTTER WOODS	0	0.00	0.00	0.00	0.00	0.00	0.
DEER CREEK ADD #2	0	0.00	6,360.00	0.00	( 6,360.00)	0.00	( 6,360.
EAGLE LANDING	0	0.00	0.00	0.00	0.00	0.00	0.
HIDDEN VALLEY ADDITION	0	0.00	0.00	0.00	0.00	0.00	0.
INDIAN RIDGE ADD #6	0	0.00	3,665.00	0.00	( 3,665.00)	0.00	( 3,665.
VILLAGES AT FREEDOM #2	0	0.00	0.00	0.00	0.00	0.00	0.
RILEY MANOR	0	0.00	0.00	0.00	0.00	0.00	0.
BARTELL PARKING LOT	0	0.00	0.00	0.00	0.00	0.00	0.
FALCON RIDGE ADDITION	0	0.00	0.00	0.00	0.00	0.00	0.
DOC HARGREAVES ADD #5	0	0.00	8,554.53	0.00	( 8,554.53)	0.00	( 8,554.
OAKWOOD VILLAGE	0	0.00	0.00	0.00	0.00	0.00	0.
AC DEVELOPMENT ADD #1	0	0.00	0.00	0.00	0.00	0.00	0.
RUSSELL J JOHNSON	0	0.00	3,595.00	0.00	( 3,595.00)	0.00	( 3,595.
SUTTER HIGHLAND SUB	0	0.00	0.00	0.00	0.00	0.00	0.
INT SEWER SUTTER WOODS	0	0.00	0.00	0.00	0.00	0.00	0.
RIVENDELL ADD	0	0.00	0.00	0.00	0.00	0.00	0.
MANNS RANCH ADD	0	0.00	6,185.00	0.00	( 6,185.00)	0.00	( 6,185.
MANNS RANCH ADD #2	0	0.00	5,870.00	0.00	( 5,870.00)	0.00	( 5,870.
STRAUSS BLV EXT II	0	0.00	0.00	0.00	0.00	0.00	0.
INT SEWER MANNS RANCH	0	0.00	0.00	0.00	0.00	0.00	0.
EAST CHESTNUT/EAST ST	0	0.00	0.00	0.00	0.00	0.00	0.
OWL NEST SUBDIVISION	0	0.00	0.00	0.00	0.00	0.00	0.
MICHAELS RUN	0	0.00	4,190.00	0.00	( 4,190.00)	0.00	( 4,190.
DEER CREEK ADD #3	0	0.00	6,255.00	0.00	( 6,255.00)	0.00	( 6,255.
KAW VALLEY INDUST PARK	0	0.00	0.00	0.00	0.00	0.00	0.
QUINTON POINTE	0	0.00	0.00	0.00	0.00	0.00	0.
OLIVIA FARMS	0	0.00	40,945.00	0.00	( 40,945.00)	0.00	( 40,945.
PEPSI COLA ADD	0	0.00	0.00	0.00	0.00	0.00	0.
SMOKY HILL MARKETPLACE	0	0.00	715.18	0.00	( 715.18)	0.00	( 715.
RUCKER RD STREET IMP	0	0.00	138,565.68	0.00	( 138,565.68)	0.00	( 138,565.
STORM SEWER PROJECTS	0	0.00	0.00	0.00	0.00	0.00	0.
WEST ACRES ADD	0	0.00	0.00	0.00	0.00	0.00	0.
GOLDENBELT DEVELOPMENT	0	0.00	0.00	0.00	0.00	0.00	0.

88 -BUILDINGS &amp; GENERAL IMP

## FINANCIAL SUMMARY

	CURRENT	M-T-D	Y-T-D	% OF	UNENCUMBERED	Y-T-D	ENCUMBERED
	BUDGET	REV/EXP	REV/EXP	BUDGET	BALANCE	ENCUMBRANCES	BALANCE
VENTRIA BIOSCIENCE	0	0.00	0.00	0.00	0.00	0.00	0
CAP GEMINI	0	0.00	0.00	0.00	0.00	0.00	0
UNPLUGGED CITIES	0	0.00	0.00	0.00	0.00	0.00	0
LEAD HORSE	0	0.00	0.00	0.00	0.00	0.00	0
EAST STREET EXTENSION	0	0.00	0.00	0.00	0.00	0.00	0
EDENSPACE	0	0.00	0.00	0.00	0.00	0.00	0
LAND	0	0.00	0.00	0.00	0.00	0.00	0
TOTAL EXPENDITURES	0	0.00	1,223,913.16	0.00	( 1,223,913.16)	0.00	( 1,223,913
REVENUE OVER/(UNDER) EXPENDITURES	0	0.00	( 1,130,018.93)	0.00	1,130,018.93	0.00	1,130,018





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## City of Junction City

### City Commission

### Agenda Memo

October 5, 2010

**From:** Public Works Department  
**To:** Gery Vernon, City Manager and the City Commissioners  
**Subject:** **Water Well #18 – Burns & McDonnell Amendment No. 3**

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**Objective:** The consideration and approval of Amendment No. 3 by Burns & McDonnell for additional Construction Observation Services for Well #18, increasing the contract amount by \$16,500.00.

**Explanation of Issue:** The City of Junction City signed an agreement, dated February 9, 2007, with Burns & McDonnell. The agreement is for Professional Engineering Services for the construction of Water Supply Well No. 18 to replace Water Supply Well No. 10. Amendment No. 3 is to add Construction Observation Services for the following tasks:

- Well pump installation
- Motor installation and pump testing
- SCADA system components and installation
- Pump Performance Testing
- Substantial Completion Inspection

The contract will be increased by \$16,500.00, making the new contract amount not to exceed \$94,500.00. The increase will be for Burns & McDonnell to make one site visit for a maximum of 8 hours per each task listed above.

**Budget Impact:** This project is being funded by ARRA funds in the amount of \$800,000.00 and a loan in the amount of \$1,796,491.00. All City funds are paid from the Water and Sewer Fund.

**Alternatives:** It appears that the City Commission has the following alternatives concerning the issues at hand. The Commission may:

1. Approve Amendment No. 3, increasing contract amount by \$16,500.00.
2. Disapprove Amendment No. 3.
3. Modify the proposal.
4. Table the request.

**Recommendation:** Staff recommends the Commission approve Amendment No. by Burns & McDonnell.

**Enclosures:** Amendment No. 3

## AMENDMENT TO AUTHORIZATION NO. 008 FOR PROFESSIONAL SERVICES

AMENDMENT No. 3

Date: September 13, 2010

THIS AMENDMENT modifies the Authorization No. 008 dated February 9, 2007 made by and between Burns & McDonnell Engineering Company, Inc., (hereinafter called ENGINEER), and the City of Junction City, Kansas (hereinafter called OWNER) for the following Project: Construction of Water Supply Well No. 18. For good and valuable consideration, the sufficiency of which is acknowledged, the parties agree to make the following changes to their Agreement.

1. The parties agree that the ENGINEER's Scope of Services is amended as follows:

"Add Paragraph 1.1.5.9: Provide construction observation services for the following tasks:

- 1.1.5.9.1 Well pump installation
- 1.1.5.9.2 Motor installation and pump testing
- 1.1.5.9.3 SCADA system components and installation
- 1.1.5.9.4 Pump Performance Testing
- 1.1.5.9.5 Substantial Completion Inspection"

2. The following adjustments are made to the ENGINEER's compensation:

The OWNER shall compensate ENGINEER for providing the services set forth herein in accordance with the terms of the existing AGREEMENT. Total payment for the Scope of Services listed in this Authorization shall not exceed, without written approval of the OWNER, Ninety Four Thousand Five Hundred Dollar (\$94,500.00). This amount is based on ENGINEER making one site visit for a maximum of 8 hours for each task listed in Paragraph 1.1.5.9.

3. The time for completion of ENGINEER's Services is adjusted as follows:

ENGINEER will proceed with providing the services set forth in Paragraph 1.1.5.9 immediately upon execution of this Amendment. These services will be completed within 90 days of execution of this amendment, unless the Contractor experiences delays beyond ENGINEER's control in excess of 90 days of execution of this Amendment.

4. Other changes to the Agreement, if any, are stated below:

None.

5. The terms of this AMENDMENT supersede any contrary terms of the Agreement. This AMENDMENT will be deemed a part of, and be subject to, all other terms and conditions of the Agreement. Except as modified above, the Agreement will remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this AMENDMENT the day and year first written above.

OWNER: City of Junction City, Kansas

ENGINEER: Burns & McDonnell Engineering  
Company, Inc.

By: \_\_\_\_\_

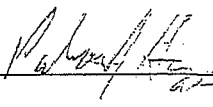
Name: \_\_\_\_\_

Title: \_\_\_\_\_

By: 

Name: Peter D. Zaroni, P.E.

Title: Associate Vice President

By: 

Name: Patrick J. Higgins, R.G.

Title: Project Manager



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## City of Junction City

### City Commission

### Agenda Memo

October 5, 2010

**From:** Public Works Department  
**To:** Gerry Vernon, City Manager and the City Commissioners  
**Subject:** **Water Well #18 – Burns & McDonnell Amendment No. 4**

---

**Objective:** The consideration and approval of Amendment No. 4 by Burns & McDonnell to amend Scope of Services for Water Supply Well No. 18, increasing the contract amount by \$5,000.00.

**Explanation of Issue:** The City of Junction City signed an agreement, dated February 9, 2007, with Burns & McDonnell. The agreement is for Professional Engineering Services for the construction of Water Supply Well No. 18 to replace Water Supply Well No. 10. Amendment No. 4 outlines a change to the Scope of Services. This will include engineering support for meetings and activities outside the scope of the original agreement. These services are related to the ARRA requirements by KDHE. More specifically these services will include meetings with the City and the EPA and research and documentation of ARRA requirements as they pertain to this project. These services will increase the contract amount by \$5,000.00, making the new contract amount not to exceed \$99,500.00.

**Budget Impact:** This project is being funded by ARRA funds in the amount of \$800,000.00 and a loan in the amount of \$1,796,491.00. All City funds are paid from the Water and Sewer Fund.

**Alternatives:** It appears that the City Commission has the following alternatives concerning the issues at hand. The Commission may:

1. Approve Amendment No. 3, increasing contract amount by \$16,500.00.
2. Disapprove Amendment No. 3.
3. Modify the proposal.
4. Table the request.

**Recommendation:** Staff recommends the Commission approve Amendment No. by Burns & McDonnell.

**Enclosures:** Amendment No. 3

## AMENDMENT TO AUTHORIZATION NO. 008 FOR PROFESSIONAL SERVICES

AMENDMENT No. 4

Date: September 15, 2010

THIS AMENDMENT modifies the Authorization No. 008 dated February 9, 2007 made by and between Burns & McDonnell Engineering Company, Inc., (hereinafter called ENGINEER), and the City of Junction City, Kansas (hereinafter called OWNER) for the following Project: Construction of Water Supply Well No. 18. For good and valuable consideration, the sufficiency of which is acknowledged, the parties agree to make the following changes to their Agreement.

1. The parties agree that the ENGINEER's Scope of Services is amended as follows:

"Add Paragraph 1.1.5.10: Assist OWNER by providing engineering support for meetings and activities outside the scope of the original agreement, related to American Resource and Recover Act (ARRA) requirements. These services specifically include meetings with the OWNER and Environmental Protection Agency (USEPA) representatives occurring on July 12, 2010 and with the OWNER on August 2, 2010, and research and documentation of ARRA requirements as they pertain to this Project occurring on July 9, 2010."

2. The following adjustments are made to the ENGINEER's compensation:

The OWNER shall compensate ENGINEER for providing the services set forth herein in accordance with the terms of the existing AGREEMENT. Total payment for the Scope of Services listed in this Authorization shall not exceed, without written approval of the OWNER, Ninety Nine Thousand Five Hundred Dollars (\$99,500.00).

3. The time for completion of ENGINEER's Services is adjusted as follows:

ENGINEER will proceed with providing the services set forth in Paragraph 1.1.5.10 immediately upon execution of this Amendment. These services will be completed within 90 days of execution of this amendment.

4. Other changes to the Agreement, if any, are stated below:

None.

5. The terms of this AMENDMENT supersede any contrary terms of the Agreement. This AMENDMENT will be deemed a part of, and be subject to, all other terms and conditions of the Agreement. Except as modified above, the Agreement will remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this AMENDMENT the day and year first written above.

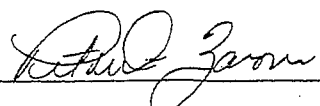
OWNER: City of Junction City, Kansas

ENGINEER: Burns & McDonnell Engineering  
Company, Inc.

By: \_\_\_\_\_

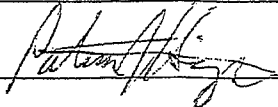
Name: \_\_\_\_\_

Title: \_\_\_\_\_

By: 

Name: Peter D. Zaroni, P.E.

Title: Associate Vice President

By: 

Name: Patrick J. Higgins, R.G.

Title: Project Manager





# City of Junction City

## City Commission

### Agenda Memo

October 5, 2010

**From:** Public Works Department  
**To:** Gerry Vernon, City Manager and the City Commissioners  
**Subject:** **Spring Valley Road – McFarland Road to Wildcat Lane–Larkin Excavating, Inc. – Pay Estimate #11 (final)**

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**Objective:** The consideration and approval of final Pay Estimate #11 in the amount of \$19,771.43 by Larkin Excavating, Inc. for Construction services through March 17, 2010 for the Spring Valley Road – McFarland Road to Wildcat Lane project. This project is 100% complete as of this pay estimate.

**Explanation of Issue:** In June 2008 bids were received for the Spring Valley Road – McFarland Road to Wildcat Lane project. July 15, 2008 Larkin Excavating Inc. was awarded contract. City Staff received Pay Estimate #11 in March 2010. Kaw Valley Engineering, Inc (KVE) advised the City not to pay until an Affidavit of Completion was received. KVE received the affidavit September 16, 2010. Larkin Excavating, Inc. is requesting approval for Pay Estimate #11 in the amount of \$19,771.43 for construction services through March 17, 2010. This project is 100% complete.

**Budget Impact:** This Pay Estimate will be submitted to TRF 0067.

**Alternatives:** It appears that the City Commission has the following alternatives concerning the issues at hand. The Commission may:

1. Approve Pay Estimate #11 in the amount of \$19,771.43.
2. Disapprove Pay Estimate #11.
3. Modify Pay Estimate #11.
4. Table the request.

**Recommendation:** City Staff recommends the Commission approve Pay Estimate #11 in the amount of \$19,771.43.

**Enclosures:** Estimate No. 11, Request for Payment Memorandum, Affidavit

**CITY OF JUNCTION CITY, KANSAS**  
**Estimate for Payment**

Date: March 17, 2010 Page: 1 of 4

Estimate No.: 11 FINAL From: 08/11/09 To: 03/17/10 Project No.: A0713755

Location: Junction City, Kansas

Contractor: Larkin Excavating, Inc.

Improvement: Spring Valley Road McFarland Road to Wildcat Lane Street Improvements to Serve Junction City, Kansas

No.	Item	Bid Schedule Quantity	Unit	Unit Price	Contract Price	Units Completed	Value of Work Completed
1.	Mobilization	1	L.S.	\$140,000.00	\$140,000.00	1	\$140,000.00
2.	Clearing and Grubbing	1	L.S.	\$39,000.00	\$39,000.00	100%	\$39,000.00
3.	Excavation	8,756	C.Y.	\$11.50	\$100,694.00	8756	\$100,694.00
4.	Embankment	11,529	C.Y.	\$2.00	\$23,058.00	11529	\$23,058.00
5.	Contractor Furnished Borrow	5,660	C.Y.	\$10.00	\$56,600.00	5660	\$56,600.00
6.	4" Top Soil Distribution	17,355	S.Y.	\$3.25	\$56,403.75	17355	\$56,403.75
7.	Erosion Control	1	L.S.	\$68,000.00	\$68,000.00	100%	\$68,000.00
8.	Seeding	1	L.S.	\$21,000.00	\$21,000.00	100%	\$21,000.00
9.	Riprap Grouted in Place	348	Ton	\$70.00	\$24,360.00	348.00	\$24,360.00
10.	5' x 3' Curb Inlet	1	Ea.	\$2,400.00	\$2,400.00	1	\$2,400.00
11.	6' x 3' Setback Curb Inlet	8	Ea.	\$2,850.00	\$22,800.00	8	\$22,800.00
12.	6' x 4' Setback Curb Inlet	3	Ea.	\$2,850.00	\$8,550.00	3	\$8,550.00
13.	6' x 10' Setback Curb Inlet	3	Ea.	\$5,850.00	\$17,550.00	3	\$17,550.00
14.	8' x 3' Setback Curb Inlet	5	Ea.	\$2,960.00	\$14,800.00	5	\$14,800.00
15.	11' x 3' Setback Curb Inlet	1	Ea.	\$3,800.00	\$3,800.00	1	\$3,800.00
16.	11' x 4' Setback Curb Inlet	6	Ea.	\$4,000.00	\$24,000.00	6	\$24,000.00
17.	11' x 5' Setback Curb Inlet	2	Ea.	\$4,200.00	\$8,400.00	2	\$8,400.00
18.	11' x 6' Setback Curb Inlet	1	Ea.	\$5,450.00	\$5,450.00	1	\$5,450.00
19.	14' x 8' Junction Box	1	Ea.	\$12,200.00	\$12,200.00	100%	\$12,200.00
20.	4' x 5' Junction Box	1	Ea.	\$3,200.00	\$3,200.00	1	\$3,200.00
21.	14" x 23" RCHE Storm Sewer Pipe	80	L.F.	\$75.00	\$6,000.00	80	\$6,000.00
22.	19" x 30" RCHE Storm Sewer Pipe	20	L.F.	\$80.00	\$1,600.00	20	\$1,600.00
23.	29" x 45" RCHE Storm Sewer Pipe	209	L.F.	\$120.00	\$25,080.00	209	\$25,080.00
24.	18" RCP Storm Sewer	1,663	L.F.	\$51.00	\$84,813.00	1663	\$84,813.00
25.	24" RCP Storm Sewer	297	L.F.	\$50.00	\$14,850.00	297	\$14,850.00
26.	30" RCP Storm Sewer	338	L.F.	\$72.00	\$24,336.00	338	\$24,336.00
27.	36" RCP Storm Sewer	427	L.F.	\$75.00	\$32,025.00	427	\$32,025.00
28.	48" RCP Storm Sewer	45	L.F.	\$150.00	\$6,750.00	45	\$6,750.00
29.	60" RCP Storm Sewer	865	L.F.	\$170.00	\$147,050.00	865	\$147,050.00
30.	29" x 45" RCHE End Section	1	Ea.	\$1,830.00	\$1,830.00	1	\$1,830.00
31.	48" RCP End Section	2	Ea.	\$2,000.00	\$4,000.00	2	\$4,000.00

CITY OF JUNCTION CITY, KANSAS  
Estimate for Payment

32.	Concrete Curb and Gutter	6,902	L.F.				\$0.00
33.	8" Asphalt Paving	17,183	S.Y.				\$0.00
34.	6" Asphalt Paving	775	S.Y.	\$32.00	\$24,800.00	864	\$27,648.00
35.	6" AB-3 Base Rock	5,331	Ton				\$0.00
36.	4" Temporary Rock Surfacing, Type AB-1	941	Ton	\$30.00	\$28,230.00	941.00	\$28,230.00
37.	8" Concrete Paving Intersections	1,399	S.Y.				\$0.00
38.	6" Concrete Paving Driveways	1,897	S.Y.				\$0.00
39.	4" Concrete Sidewalk	4,211	S.Y.	\$29.00	\$122,119.00	4211	\$122,119.00
40.	Handicap Ramps	15	Ea.	\$750.00	\$11,250.00	15	\$11,250.00
41.	Versa Loc Retaining Wall	398	L.F.	\$65.00	\$25,870.00	398	\$25,870.00
42.	Connecting to Existing Water Main	3	Ea.	\$3,500.00	\$10,500.00	3	\$10,500.00
43.	6" Water Main	521	L.F.	\$42.00	\$21,882.00	521	\$21,882.00
44.	8" Water Main	80	L.F.	\$38.00	\$3,040.00	92	\$3,496.00
45.	Replace or Relocate Existing Water Service Lines	350	L.F.	\$30.00	\$10,500.00	110	\$3,300.00
46.	1" Water Service (New)	1,304	L.F.	\$29.00	\$37,816.00	1302	\$37,758.00
47.	1" Water Service (RWD)	90	L.F.	\$29.00	\$2,610.00	100	\$2,900.00
48.	6" Gate Valve	1	Ea.	\$830.00	\$830.00	1	\$830.00
49.	8" Gate Valve	1	Ea.	\$1,130.00	\$1,130.00	1	\$1,130.00
50.	Fittings	1	L.S.	\$7,030.00	\$7,030.00	100%	\$7,030.00
51.	Single Domestic Water Meter	1	Ea.	\$1,000.00	\$1,000.00	1	\$1,000.00
52.	Electronic Ball Markers	18	Ea.	\$28.00	\$504.00	18	\$504.00
53.	Demolition Existing Structures	1	L.S.	\$35,000.00	\$35,000.00	100%	\$35,000.00
54.	Demolition Existing Bridge	1	L.S.	\$14,000.00	\$14,000.00	1	\$14,000.00
55.	Reinforced Concrete Box Including Headwalls	1	L.S.	\$150,000.00	\$150,000.00	100%	\$150,000.00
56.	Adjust Rim Elevation Sanitary Sewer Manhole	1	Ea.	\$930.00	\$930.00	100%	\$930.00
57.	Detour Signing	1	L.S.	\$13,500.00	\$13,500.00	100%	\$13,500.00
58.	Traffic Control Signs	1	L.S.	\$6,500.00	\$6,500.00	100%	\$6,500.00
59.	Pavement Striping	1	L.S.	\$7,700.00	\$7,700.00	100%	\$7,700.00
60.	Relocation of Mailboxes	23	Ea.	\$350.00	\$8,050.00	23	\$8,050.00
61.	Electrical Conduit 3"	200	L.F.	\$20.00	\$4,000.00	200	\$4,000.00
62.	Electrical Conduit 2"	3,000	L.F.	\$17.00	\$51,000.00	3065	\$52,105.00
63.	12" Sanitary Sewer	99	L.F.	\$80.00	\$7,920.00	99	\$7,920.00
64.	4" Sanitary Sewer	100	L.F.	\$38.00	\$3,800.00	100	\$3,800.00
65.	Sanitary Sewer Manhole	1	Ea.	\$1,980.00	\$1,980.00	1	\$1,980.00
66.	Extra Depth Manhole	0.40	VLF	\$125.00	\$50.00	0.40	\$50.00
67.	Adjust Elevations of Existing Water Meters	5	Ea.	\$250.00	\$1,250.00	5.0	\$1,250.00
68.	Landscaping	1	L.S.	\$40,000.00	\$40,000.00	100%	\$40,000.00
69.	Fire Hydrants	3	Ea.	\$3,300.00	\$9,900.00	3	\$9,900.00
70.	Adjust Fire Hydrant Elevations to Match Grade	2	Ea.	\$875.00	\$1,750.00	2	\$1,750.00

CITY OF JUNCTION CITY, KANSAS  
Estimate for Payment

71.	Adjust Gate Valve Boxes to Match Proposed Grade	7	Ea.	\$875.00	\$6,125.00	7	\$6,125.00
72.	Sanitary Sewer Concrete	53	L.F.	\$65.00	\$3,445.00	53	\$3,445.00
					\$0.00		\$0.00

**BID ALTERNATE USING CONCRETE PAVEMENT**

The concrete pavement alternate will be for replacing 8" Asphalt Paving with 8" Concrete Paving. The Bid Item 8" Concrete Paving will include the area of curb and gutter with no additional payment for integral curb, 6" AB-3 Base Rock will also be eliminated with the use of 8" Concrete Pavement.

To obtain total bid for concrete paving add Bid Items 73 and 74, and delete Bid Item No. 32, "Concrete Curb and Gutter", Bid Item No. 33, "8" Asphalt Paving", Bid Item No. 35, "6" AB-3 Base Rock". Bid Item No. 37, "8" Concrete Paving", and Bid Item No. 38, "6" Concrete Paving Driveways".

73.	8" Concrete Pavement	20,652	S.Y	\$40.00	\$826,080.00	100%	\$826,080.00
74.	6" Concrete Pavement Driveways	1,524	S.Y	\$32.00	\$48,768.00	1524	\$48,768.00
75.	Change Order 1 - Fly Ash Stabilization	1	L.S.	\$103,203.00	\$103,203.00	100.0%	\$103,203.00
76.	Change Order 2	1	L.S.	-\$36,415.00	-\$36,415.00	1	-\$36,415.00
77.	Change Order 4 - Fly Ash	1	L.S.	\$9,000.00	\$9,000.00	1	\$9,000.00
78.	Change Order 5 - Fly Ash			\$6,003.00	\$6,003.00	1	\$6,003.00
79.	Change Order 3 - Water Line	1	L.S.	\$5,500.00	\$5,500.00	1	\$5,500.00
80.	Change Order 6 - Adjustment	1	L.S.	-\$2,559.00	-\$2,559.00	0	\$0.00
				Unused and Accepted Material on Hand			\$0.00

Amount of Contract: \$2,636,190.75 (Per C.O. #6)

Value of Work Done & Materials on Hand: \$2,636,190.75

Contract Time: 194

Percent to be Retained (0.75%): \$0.00

Time Expired: 382

Other Deductions:

Time Remain'g: 0

Previous Payments: \$2,616,419.32

100.0% Complete as of this Estimate

**TOTAL DEDUCTIONS:** \$2,616,419.32

Amount Due Contractor this Estimate: \$19,771.43

\* This amount is included within the quantity adjustments as detailed in Change Order No. 6

BJG

Date: \_\_\_\_\_

# REQUEST FOR PAYMENT MEMORANDUM

DATE:	9/8/2009	PROJECT	SVR - McFarland Rd. to Wildcat Ln.
TO:	CITY MANAGER / CITY COMMISSION	PROJECT NO.	A0713755
FROM:	Christina Cook, P.E.	CONTRACTOR	Larkin Excavating, Inc.
		RE:	REQUEST FOR PAYMENT #10 \$ 29,379.09
		CONTRACT PRICE	\$ 2,636,190.75 as of CO #5

THIS BILLING HAS BEEN REVIEWED AND APPROVED.

PLEASE REVIEW AND APPROVE.

PAYMENT HISTORY	DATE	INVOICE#	DATED	PAID	CHECK	AMOUNT DUE	OTHER	BALANCE
Work completed through	1 09/12/08	1	09/14/08	10/31/08	114735	\$ 458,591.58		\$ 2,177,599.17
Work completed through	2 10/24/08	2	10/24/08	01/02/09	115561	\$ 627,601.19		\$ 1,549,997.98
Work completed through	3 11/20/08	3	11/19/08	01/21/09	115777	\$ 565,790.88		\$ 984,207.10
Work completed through	4 01/26/09	4	01/26/09	02/24/09	116241	\$ 45,726.07		\$ 938,481.03
Work completed through	5 02/19/09	5	02/19/09	03/17/09	116481	\$ 161,186.97		\$ 777,294.06
Work completed through	6 03/26/09	6	03/26/09	04/22/09	116939	\$ 200,936.94		\$ 576,357.12
Work completed through	7 04/23/09	7	04/23/09	05/20/09	117201	\$ 178,031.95		\$ 398,325.17
Work completed through	8 05/21/09	8	05/21/09	07/02/09	117774	\$ 85,285.79		\$ 313,039.38
Work completed through	9 06/26/09	9	06/26/09			\$ 263,888.85		\$ 49,150.53
Work completed through	10 08/10/09	10	08/10/09			\$ 29,379.09		\$ 19,771.44
Work completed through	11 03/17/10	11	03/17/10			\$ 19,771.43		\$ 0.01
	12							
	13							
	14							
	15							
	16							
	17							
	18							
	19							
	20							
	21							
	22							
	23							
	24							
	25							
TOTAL BILLINGS YEAR-TO-DATE:						\$ 2,636,190.74	\$	\$ 2,636,190.74

00460  
AFFIDAVIT

The following is to be executed by the Contractor after the completion of all work and prior to final payment for work described in the accompanying contract:

State of Kansas )  
County of Leavenworth ) ss

I, John Larkin, of lawful age, being first duly sworn on oath, deposes and states that he is President of Larkin Excavating, Inc Contractor, which company did on the 28 day July of 2008 enter into written contract with Unified School District No. 473 Owner, for the performance of the following work:

Preliminary Grading and Utility Plans for Elementary School Addition to the City of Chapman, Dickinson County, Kansas.

Affiant further states that all work to be performed by the above named Contractor under said contract has been fully paid.

Affiant further states that he makes this affidavit for the purpose of enabling the Owner to make final payment to Larkin Excavating, Inc under the terms of said contract.

Larkin Excavating, Inc

X By John Larkin  
Contractor

President

Position

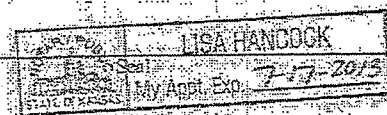
13575 E Gilman Rd Lansing, KS

Address

66043

Subscribed and sworn before me this 16<sup>th</sup> day of Sept, 2010

Lisa Hancock  
Notary Public



END OF SECTION 00460





5a

## Proclamation

### Breast Cancer Awareness Month

**Whereas,** Breast cancer touches the lives of many Americans, either directly or through the diagnosis of a family member or friend; and

**Whereas,** considerable progress has been made in diagnosing this disease and improving treatment, we recognize the efforts being made to fight breast cancer through prevention, early detection and aggressive research into new treatments and therapies; and

**Whereas,** by educating ourselves and working together we will improve our ability to prevent, detect, treat and ultimately cure breast cancer.

**Now, Therefore** I, Mike Rhodes Mayor of the City of Junction City do hereby proclaim October 2010 as National Breast Cancer Awareness Month and urge all citizens to raise awareness of breast cancer by talking with family members and friends about the importance of screening and early detection.

**In Witness Whereof** I have hereto set my hand and caused the Great Seal of the City of Junction City to be affixed this 5<sup>th</sup> day of October 2010.

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Mike Rhodes, Mayor

ATTEST:

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Tyler Ficken, City Clerk



## PROCLAMATION

### **NATIONAL FIRE PREVENTION WEEK**

WHEREAS, the Junction City Fire Department is committed to ensuring the safety and security of all those living in and visiting our city; and

WHEREAS, fire is a serious public safety concern both locally and nationally, and homes are where people are at greatest risk to fire; and

WHEREAS, nearly 3,000 people die each years as a result of home fires each year; and

WHEREAS, roughly two-thirds of home fire deaths resulted from home fires in which no smoke alarms or no *working* smoke alarms were present; and

WHEREAS, working smoke alarms cut the chance of dying in a reported fire in half; and

WHEREAS, the National Fire Protection Association recommends at least one smoke alarm on every level of the home (including the basement) outside all sleeping areas, and in all bedrooms; and

WHEREAS, informing the public about the importance of smoke alarm installation and maintenance serves an essential step toward increasing the public's safety from home fires; and

WHEREAS, Junction City Fire Department is dedicated to reducing the occurrence of home fires and home fire deaths and injuries through prevention and proper education; and

WHEREAS, Junction City's residents are responsive to public education measures and are able to take personal responsibility to increase their safety from fire, especially in their homes; and

WHEREAS, the Fire Prevention Week 2010, October 3-9 theme, "Smoke Alarms: A Sound You Can Live With!" actively works to motivate Junction City residents to implement smoke alarm recommendations in their homes;

THEREFORE, I Mike Rhodes, Mayor of Junction City, do hereby proclaim October 3-9, 2010 as Fire Prevention Week throughout this city, and I urge all people of Junction City to protect their homes and families by heeding the potentially life-saving messages of Fire Prevention Week 2010, and to support the many activities and efforts of Junction City fire and emergency services.

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MIKE RHODES, MAYOR

ATTEST:

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TYLER FICKEN, CITY CLERK





WILLIAM LEROY TALBOTT LADIES AUXILIARY 8773 VETERAN OF FOREIGN WARS  
MARY L. REID, Treasurer  
1223 Westwood Blvd, Junction City, KS 66441  
Cell: (785) 375-2079-E-Mail: [whreid@cox.net](mailto:whreid@cox.net)  
14 September 2010

Mr. Gerry Vernon  
City Manager  
700 N. Jefferson Street  
Junction City, Kansas 66441

Reference: Buddy Poppy Proclamation

Sir:

Each year, VFW Posts and the Ladies Auxiliaries nationwide conduct annual Buddy Poppy Campaigns.

This year the Ladies Auxiliary of VFW Post 8773 will be conducting it annual campaign on Saturday, 23 October 2010 at the Main Post Office and Wal-Mart Supercenter from 8am to 2 pm. This is a donation only campaign.

The Buddy Poppy is an integral part of the VFW community and is the official memorial flower representing the blood shed by American service members and reiterates that their sacrifices will not be forgotten today, as in the past, men and women veterans in VA hospitals and state veterans homes assemble poppies and are paid by the VFW.

The donations from a Buddy Poppy Campaign are placed in the Ladies Auxiliary Relief Fund and used solely for veterans' welfare and/or needy dependents. It show our continued commitment to veterans helping veteran and the VFW's motto of "Honor the Dead by Helping the Living."

As in the past, we are again requesting a proclamation from the city to conduct this campaign. Please call and let me know when the Proclamation can be picked up.

Should you have any questions, I can be contacted at the above address, phone number or e-mail.

Very Truly Yours,

Mary L. Reid  
Treasurer, LAVFW 8773

## **PROCLAMATION**

### **BUDDY POPPY DAY**

**WHEREAS**, THE ANNUAL SALE OF Buddy Poppies by the Veterans of Foreign Wars of the United States has been officially recognized and endorsed by governmental leaders and;

**WHEREAS**, VFW Buddy Poppies are assembled by disabled Veterans and the proceeds of this worthy fund raising campaign are used exclusively for the benefit of disabled and needy Veterans and the widows and orphans of disabled Veterans, and;

**WHEREAS**, the basic purpose of the annual sale of Buddy Poppies by the Veterans of Foreign Wars is eloquently reflected in the desire to "Honor the Dead by Helping the Living";

**NOW, THEREFORE, I, MIKE RHODES**, Mayor of the City of Junction City, hereby proclaim October 23, 2010 as

### **BUDDY POPPY DAY**

And urge the citizens of this community to continue to recognize the merits of this cause and continue to contribute support through the purchase of Buddy Poppies which are symbols of appreciation for the sacrifices of our honored dead.

I urge all patriotic citizens to wear a Buddy Poppy as mute evidence of our gratitude to the men and women of this country who have risked their lives in defense of the freedoms which we continue to enjoy as American citizens.

**GIVEN UNDER MY HAND AND OFFICIAL SEAL THIS 5<sup>TH</sup> DAY OF OCTOBER, 2010**

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Mike Rhodes, Mayor

ATTEST:

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Tyler Ficken, City Clerk



## The EMILY Fund

PO Box 430

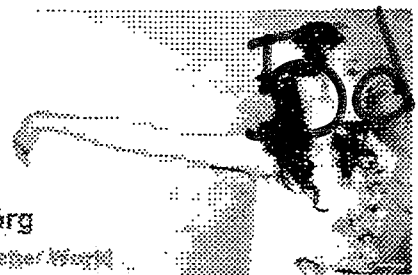
Roosevelt, NJ 08555-0430

Tel: 609-462-9248 / Fax: 1-888-247-1291

Email: [info@EmilyFund.org](mailto:info@EmilyFund.org)

Web: [EmilyFund.org](http://EmilyFund.org) / [StopDatingViolence.org](http://StopDatingViolence.org)

Education, Mentorship, Inspiration, Leadership, Youth for a Better World



August 21, 2010

Dear Mayor,

This year more than 400 municipalities and 32 US Governors joined together to help end violence against women by issuing proclamations for Dating Violence Awareness Month and/or Sexual Assault Awareness Month. October's **Domestic Violence Awareness Month** provides a chance to build on this momentum of awareness and solidarity about this serious issue that affects 4.8 million American women, and creates opportunities for local events and activities across the nation. Many states and local municipalities already issue proclamations for this observance each year, but for the first time this coordinated national campaign will clearly demonstrate our shared resolve to end violence against women.



After our daughter Emily's murder last year, The EMILY Fund was incorporated as a nonprofit organization dedicated to continuing her legacy of service to community, and to raise awareness about the serious issue of dating violence. This year we have distributed nearly 400,000 free wallet-sized Dating Pledge Cards requested by over 600 domestic violence agencies in all 50 states for their work educating young people about dating violence.

Please help lead the way to ending violence against women by issuing a proclamation for Domestic Violence Awareness Month and send a copy via fax, email or mail (The EMILY Fund, PO Box 430, Roosevelt, NJ 08555-0430; [info@emilyfund.org](mailto:info@emilyfund.org), fax: 1-888-247-1291), so that we can post it at [StopDatingViolence.org](http://StopDatingViolence.org) to inspire other municipalities to stand with you on this important issue.

Sincerely,

Bob Silverstein  
Executive Director

### Sample Proclamation for DOMESTIC VIOLENCE AWARENESS MONTH:

**WHEREAS**, domestic violence is a serious crime that affects people of all races, ages, gender, and income levels; and

**WHEREAS**, domestic violence is widespread and affects over 4 million Americans each year; and

**WHEREAS**, one in three Americans have witnessed an incident of domestic violence; and

**WHEREAS**, children that grow up in violent homes are believed to be abused and neglected at a rate higher than the national average; and

**WHEREAS**, domestic violence costs the nation billions of dollars annually in medical expenses, police and court costs, shelters, foster care, sick leave, absenteeism, and non-productivity; and

**WHEREAS**, only a coordinated community effort will put a stop to this heinous crime; and

**WHEREAS**, Domestic Violence Awareness Month provides an excellent opportunity for citizens to learn more about preventing domestic violence and to show support for the numerous organizations and individuals who provide critical advocacy, services and assistance to victims;

**NOW, THEREFORE**, I, \_\_\_\_\_, do hereby proclaim the month of October as **DOMESTIC VIOLENCE AWARENESS MONTH** and urge our citizens to work together to eliminate domestic violence from our community.

## PROCLAMATION

### DOMESTIC VIOLENCE AWARENESS MONTH

**WHEREAS**, domestic violence is a serious crime that affects people of all races, ages, gender, and income levels; and

**WHEREAS**, domestic violence is widespread and affects over 4 million Americans each year; and;

**WHEREAS**, one in three American have witnessed an incident of domestic violence; and

**WHEREAS**, children that grow up in violent homes are believed to be abused and neglected at a rate higher than the national average; and

**WHEREAS**, domestic violence costs the nation billions of dollars annually in medical expenses, police and court costs, shelters, foster care, sick leave, absenteeism, and non-productivity; and

**WHEREAS**, only a coordinated community effort will put a stop to this heinous crime; and

**WHEREAS**, Domestic Violence Awareness Month provides an excellent opportunity for citizens to learn more about preventing domestic violence and to show support for the numerous organizations and individuals who provide critical advocacy, services and assistance to victims;

**NOW, THEREFORE**, I, Mike Rhodes, Mayor of the City of Junction City, do hereby proclaim the month of October as **DOMESTIC VIOLENCE AWARENESS MONTH** and urge our citizens to work together to eliminate domestic violence from our community.

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Mike Rhodes, Mayor

ATTEST:

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Tyler Ficken, City Clerk



5e

## City of Junction City

### City Commission

### Agenda Memo

September 28, 2010

**From:** Ray Ibarra, Veolia Water  
**To:** Gerry Vernon, City Manager  
**Subject:** JC Snow Removal plan update

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**Objective:** A presentation by Veolia Water updating the Snow Removal Plan for the City of Junction for the 2010-2011 snow season.

**Explanation of Issue:** Veolia and city staff met several times to develop and fine tune the existing snow removal plan. The presentation will review operational priorities, priority routes, levels of proposed service and emergency procedures. The presentation will also review and update available manpower and equipment, operational statistics, other special concerns and proposed changes.

**Budget Impact:**

**Alternatives:** This presentation is intended for more informational purpose. Commissioner input regarding the process will be welcome during the discussion.

**Recommendation:**

**Enclosures:**



# City of Junction City

## City Commission

### Agenda Memo

September 14, 2010

**From:** David L. Yearout, AICP, Director of Planning and Zoning  
**To:** City Commission & Gerry Vernon, City Manager  
**Subject:** Amendment to the Junction City Municipal Code (G-1081 attached)

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**Issue:** Consideration of ordinance (G-1081) amending Title V, Building and Construction, Title VII, Utilities, of the Municipal Code of the City of Junction City by revising language regarding what improvements may be made in lands dedicated as rights-of-way and/or easements and clarifying the permitting and fee requirements for driveways and lawn sprinkler systems.

**Explanation of Issue:** The present City Code prohibits construction or installation of buildings, structures, fences and driveways in areas dedicated for rights-of-way or easements in Section 505.050 of the City Code. This section was last amended in late 2006 to add the prohibition of driveways and fences. The implementation of that prohibition has not worked well, creating numerous instances of fences being constructed in violation of the ordinance, frustration when owners have complied and then been cited for "blight" when the areas outside the fences aren't maintained, or frustration when the ordinance is complied with but a neighbor is granted a "waiver" and allowed to building a fence over an easement. Additionally, the provision prohibiting a driveway is violated every time a new driveway is constructed. And there is little direction regarding lawn sprinkler systems.

Staff believes the modified language proposed in this ordinance provides a more realistic approach to managing the uses in these areas dedicated for public purposes.

**Alternatives:**

1. Approve the first reading of the Ordinance.
2. Modify and approve the first reading of the Ordinance as so modified.
3. Disapprove the Ordinance.

**Staff Recommendation:** Approve the first reading of the Ordinance.

**Suggested Motion:**

Commissioner \_\_\_\_\_ moved that the Ordinance No. G-1081, an ordinance amending the Municipal Code of Junction City, Kansas, by amending language in Chapter 505, Building and Construction, concerning what improvements may be made in rights-of-way and easements.

Commissioner \_\_\_\_\_ seconded the motion.

**Enclosures:**

Staff Report  
Ordinance G-1075

ORDINANCE NO. G-1081

AN ORDINANCE AMENDING TITLE V, BUILDING AND CONSTRUCTION, CHAPTER 505: BUILDING CODE, SECTION 505.050 USES OF RIGHTS-OF-WAY; SECTUIB 540.120 PERMITS TO BE SECURED; AND TITLE VII, UTILITIES, SECTION 700.090, FEES, NEW SERVICE AND REPLACEMENT – WATER TAPS IN MAINS, OF THE MUNICIPAL CODE OF THE CITY OF JUNCTION CITY, KANSAS.

WHEREAS, the City Commission has found it desirable to modify the existing requirements of the City Code concerning uses permitted within certain rights-of-way and easements within the City; and,

WHEREAS, the City staff has researched and recommends certain modifications to the City Code concerning the same subject.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF JUNCTION CITY, KANSAS:

**Section 1. Section 505.050, USES OF RIGHTS-OF-WAY, is hereby amended by repealing the existing language and replacing it with the following:**

The following rules and regulations concerning use and encroachment on dedicated rights-of-way are hereby established.

1. *Unlawful use of dedicated rights-of-way or easements.* No person, firm or corporation shall construct any building or structure of any kind or nature whatsoever or plant any trees, shrubbery or vegetation upon, over or under any area which has been or which may hereafter be dedicated to the City of Junction City, Kansas, or to the public as a power, electric, sewer, water, telephone, gas line, public utility easement or right-of-way. Driveways, fences and lawn sprinkler systems may be constructed in, on and/or across easements subject to obtaining proper permits from the City for such construction, and subject to the provisions stated below.
2. *Owner liable for cost of removal or encroachment on right-of-way.* Any person, firm or corporation who shall hereafter construct or erect any building, structure, fence, driveway or lawn sprinkler system, or plant any trees or vegetation in dedicated public right-of-way and/or dedicated utility easement shall be deemed to have done so at their own risk and shall be liable for the cost of removal of the same in the event it is necessary to make any authorized use or excavation of such area for any purpose for which the same were dedicated to the public use. Neither the City of Junction City, Kansas, nor any other person, firm or corporation which may be lawfully making use of the said right-of-way or easement shall be liable to any such person claiming damages for the removal of any building, structure, driveway, fence, lawn sprinkler system, trees or vegetation from such rights-of-way or easements.

**Section 2. Section 540.120, PERMIT TO BE SECURED, is hereby amended by repealing the existing language and replacing it with the following:**

It shall be unlawful for any person or persons, company or corporation to cut pavements or make excavations in the streets, alleys or other public grounds in this City for any purpose, unless such person, persons, company or corporation

first obtain a permit authorizing such excavation, which shall be issued by the City Engineer or his authorized agent and the payment of a permit fee of fifty dollars (\$50.00). The person, persons, company or corporation asking for the permit shall be required to pay the full amount to replace the curb, gutter and/or street according to City specifications, or shall pay a the sum equal to the City Engineer's estimate to replacement of said pavement by the City based on the current costs for such work.

**Section 3. Section 700.090, FEES, NEW SERVICE AND REPLACEMENT — WATER TAPS IN MAINS, is hereby amended by adding the following:**

- (C) In addition to water meter fees required herein, there shall be a permit obtained with a fee of twenty-five dollars (\$25.00) for each and every lawn sprinkler system connection to the water main of the water utility of the City of Junction City. This permit shall be obtained by the person installing the lawn sprinkler system and must contain the approval of the owner of the land.
- (D) Before any ditches containing water service lines and valves serving the lawn sprinkler system are covered, the permit holder shall notify the Code Enforcement office, and such ditches shall not be covered until the water service lines and valves contained therein have been found to be in compliance with the applicable Codes of the City of Junction City, Kansas.

**Section 3. This Ordinance shall be in full force and effect from and after its publication once in the Junction City Daily Union.**

**PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2010.**

\_\_\_\_\_  
**MICHAEL RHODES, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**TYLER FICKEN, CITY CLERK**



7b

## City of Junction City

### City Commission

### Agenda Memo

October 5, 2010

**From:** Michael Steinfert, Fire Chief  
**To:** Gerry Vernon, City Manager  
**Subject:** **Kaw Valley Industrial Park Farmland lease**

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**Objective:** To recommend a farmland lease agreement with NutriJect for the Kaw Valley Industrial Park farmland.

**Explanation of Issue:** This item was considered at the September 21 Commission meeting. Several questions arose during the discussion and the Commission delayed the item until the October 5<sup>th</sup> meeting. The questions and answers are as follows:

- 1.) Can the bio-solids be applied to agricultural land within the city limits?

After reviewing city code, there are no existing regulations to prohibit the application of bio-solids in the city limits. Bio-solids are approved for agricultural use and the city allows for agricultural activities to occur within the city.

- 2.) Can the lease be written for an early termination if things don't work as planned?

Yes, the lease document will be written to provide for a one year term with two one year automatic renewals (thereby complying with the three -year lease as advertised) If the arrangement does not work out after the first "trial" year, the lease can be terminated. Additionally, the lease will include an "early out" clause that takes into consideration the crop cycle to provide an early out if the arrangement does not work.

- 3.) Should the farmland be split up and sold with the "developable" portion retained for future use?

It is an option; however, the land was purchased with a plan for its future use. The changing of the plan should require discussion, debate, and input from the Economic Development Board. At this point, staff recommends ownership of the entire parcel as it now provides a beneficial use and revenue stream to the City.

- 4.) Wouldn't the City have a higher return if the farmland was leased to Dibben Land & Cattle with the requirement that NutriJect could apply bio-solids?

On its face, that option seems to provide the highest return. However, if NutriJect does not have control of the crop rotation or areas/dates that the

bio-solids can be applied, the potential cost savings to the City for land application will be reduced.

5.) What about Furnace road issue and the bid from Strauss Farms?

Please see the attached letter from Ms. Beatty to Dale Hershberger, KDOT, detailing a recent phone conversation.

**Budget Impact:** The direct cash payment to the City of Junction City will be \$91.50/acre or a total of \$11,190.45 annually. The company has also included a potential savings of at least \$10,000.00 per year in biosolids transportation cost that would not be paid by the City of Junction City. The company presently transports and applies biosolids waste from both City of Junction City waste treatment plants. The City of Junction City would agree to the application of the waste to the farmland with this agreement.

**Alternatives:** It appears that the City Commission has the following alternatives concerning the issues at hand. The Commission may:

Approve lease agreement, Disapprove lease agreement, Modify, Table the request.

BIDDER	BID	ADDITIONAL	TOTAL
1 NutriJect	\$11,190.45	\$10,000.00 in city savings on expenses	\$21,190.45
2 Dibben Land & Cattle	\$16,000.00		\$16,000.00
3 Double KS Farms, Inc.	\$15,287.50		\$15,287.50
4 Strauss Farms, Inc.	\$9784.00	Furnace Road maintenance to date \$4855.00	\$14,639.00
5 John Huninghatte	\$13,165.00		\$13,165.00
6 Hildebrand Farms	\$12,352.30		\$12,352.30
7 Brian Shippy	\$11,985.40		\$11,985.40

**Suggested Motion:**

Commissioner \_\_\_\_\_ moved that NutriJect Systems, Inc. of Hudson Iowa be awarded the farmland lease agreement for a period of three years under the terms above. Commissioner \_\_\_\_\_ seconded the motion.

**Recommendation:** Staff recommendation would be to approve the agreement with NutriJect.



**FARM LEASE**

THIS LEASE, is made and entered into as of this \_\_\_\_\_ day of \_\_\_\_\_, 2010, by and between the City of Junction City, Kansas, hereinafter referred to as "City", and NutriJect, Inc., as "Tenant."

WITNESSETH: for and in consideration of the rents, covenants and agreements and conditions hereinafter mentioned to be kept and performed by Tenant, City does, by these presents rent, lease and let unto Tenant, a tract of land comprising approximately 122.3 acres, more or less, located on either side of Hoover Road in Kaw Valley Industrial Park of the City, FSA Farm #2136, subject to all easements, restrictions, zoning and governmental regulatory ordinances and encumbrances, the same being hereinafter referred to as the "**Farm**".

This Lease shall be upon the following terms and conditions, which are hereby mutually agreed to by City and Tenant:

1. **Term.** This lease shall be for a term commencing on January 6, 2011 and ending on January 5, 2012 (the "Initial Term"); provided, however, that the Initial Term shall automatically be renewed for two (2) additional terms of one year each (each a "Renewal Term") unless either party provides written notice to the other of its desire to terminate the Lease at the end of the Initial Term or first Renewal Term not less than ninety (90) days before the end of the applicable term. City's right to not renew for either Renewal Term is conditioned upon the determination by the Governing Body of the City that the application of biosolids to the Farm is not in the public's best interest. Tenant's right not to renew for either Renewal Term is conditioned upon the Tenant ceasing to provide biosolids management services to the City.
2. **Rent.** Tenant agrees to pay as annual rent for the Farm ("Rent") the following:
  - a. Cash rent in the sum of \$91.50 per acre, times 122.3 acres, for a total of \$11,190.45. The cash rent for the Initial Term shall be paid on December 1, 2010. Cash rent for each Renewal Term shall be paid on the December 1 preceding the Renewal Term.
  - b. Cash equivalent rent of a minimum of \$10,000 per annual term, to be paid as follows:
    - i. At City's cost, Tenant currently provides biosolids management services to the City through its contractual relationship with Veolia Water NA, LLC. In connection with such services, all of the City's biosolids have

been land applied in and around Junction City area on various farmers' land for beneficial reuse as fertilizer in the production of feed and fiber crops. Tenant agrees to produce crops on the Farm and to apply a portion of the City's biosolids at proper agronomic rates suitable to the production of crops on the Farm, and represents and warrants to the City that it estimates that as a result of such use, the City will save at least \$10,000 per year in hauling and land application costs over and above the cash rent provided in subsection (a) above.

- ii. To the extent that the total cost savings described in subsection (i) above is less than \$10,000 per year, Tenant agrees to pay to the City the difference in cash rent. By way of illustration and for avoidance of doubt, if the savings to the City from reduced hauling and land application costs is \$5,000 in 2011, upon written notice to Tenant by the City, Tenant will pay to the City additional cash rent of \$5,000 for the Initial Year.

3. **Use of the Premises.**

- a. Tenant shall use and occupy the Farm during the term of this Lease for the production and harvest of crops and for the purposes specified in section 3.(b)(i) above, and for no other purpose. Tenant agrees comply with all applicable federal, state and local laws, at Tenant's sole cost and expense. Tenant will not commit or suffer to be committed any waste on the Farm, create or allow any nuisance to exist on the Farm, or allow the Farm to be used for any unlawful purpose.
- b. Tenant may not make any alterations, additions or improvements to the Farm except the planting of crops and application of fertilizers, herbicides and pesticides, without the prior written consent of City. Any unauthorized alterations, additions or improvements made by Tenant shall become the property of City at the termination of this Lease.

- 4. **Cost.** Tenant shall pay all costs and furnish all equipment in connection with its use of the Farm.
- 5. **Government Farm Programs.** Tenant shall have all right, title, and interest in and to any proceeds from any government farm programs and/or subsidies arising or related to Tenant's farming activities.
- 6. **Farming Practices.** Tenant agrees to cultivate the Farm during the term hereof in a timely, efficient and economic manner and to employ sound farming methods customarily practiced

in the area; to keep the Farm and all improvements on the Farm, at Tenant's own expense, in as good a repair and condition as they are at the commencement of this Lease, or in as good a repair and condition as they may be put by City during the term of this Lease, ordinary wear and tear from the reasonable use thereof excepted; to follow standard disease treatments of all seeds planted on the Farm; and not to allow thistle or other noxious weeds and grasses to grow or to go to seed on the Farm (including ditches, fence rows, adjacent rows and turn rows), utilizing spray or poison as necessary, which is to be done at Tenant's expense.

7. **Condition of the Premises.** Tenant accepts the Farm in the condition that it now exists and agrees to maintain all fences and other improvements in the same condition as they exist at the commencement of this Lease. At the conclusion of the Lease, Tenant shall return the Farm, fences and other improvements to City in the same condition as they existed at the commencement of this Lease, reasonable wear and tear excepted.

8. **Lease as Security Agreement; Default under the Lease.**

- a. To secure the payment of all the rents (including future rents) for the term of this Lease and all other sums payable to City hereunder (including damages for breach of this Lease), Tenant does hereby grant unto City a security interest and a contract lien, in addition to City's statutory lien, in and upon all inventory, crops and farm products, to be grown or growing on the Farm and all fixtures now in or upon or hereafter placed in or upon the Farm, the proceeds thereof, accounts receivable or general intangibles arising from or related to the sale of the foregoing collateral; and Tenant waives any and all claims or exceptions granted to him under the exception laws of the State of Kansas as the same may now exist or be hereafter amended, and which might be asserted as to any of said property, intending hereby that the express contract lien and security interest hereby given shall be deemed prior and superior to any and all other lien or liens of any nature whatsoever, and that such lien and security interest shall be foreclosable in the event of any breach of this Lease agreement by Tenant and the property subject thereto taken and retained by City or sold at public or private sale pursuant to Kansas Statutes § 84-9-101 *et seq.* This Lease shall constitute a security agreement.
- b. If Tenant defaults in the payment and/or performance of any covenant or agreement of the Tenant hereunder, or abandon or vacate the Farm, or become bankrupt or make an assignment to the benefit of its creditors, or in the event a receiver is appointed for Tenant, then, upon the occurrence of any one or more of such contingencies and after City has given written notice of such default, Tenant shall have ten (10) days within which to correct the same, and if no such

correction is made, then City may, at City's option, either terminate this Lease or seek any other legal or equitable remedy available to City under the circumstances, or both.

9. **City's Option to Correct Tenant's Default.** If Tenant defaults in the performance of any of its obligations under this Lease, City may, at City's option, perform the same for the benefit of and at the expense of Tenant, after giving notice to Tenant of its intention to do so. If City is compelled to pay, or elects to pay, any sum of money, or to do any act which requires the payment of any sum of money, by reason of the failure of Tenant to comply with any provision hereof, or if City is compelled to incur any expense, including reasonable attorneys' fees, in instituting, prosecuting or defending any action or proceeding occasioned by reason of any default of Tenant hereunder, the sum or sums so paid by City shall be due and payable as additional rent on the next day following the incurring of such expense.
10. **Oil, Gas and Mineral Rights.**
  - a. This Lease is made and accepted subject to the following: any and all restrictions, covenants, conditions, easements, and pipeline operations; oil, gas and mineral development leases, if any; and any and all zoning laws, regulations and ordinances, now or hereafter affecting the Farm. City reserves the right to use so much of the surface of the Farm as is reasonably necessary to effectuate the exploration for any oil, gas or other minerals.
  - b. City shall not be liable to Tenant for any damage to crops or acreage lost by reason of oil or gas development, seismic testing, pipeline operations or easements and all negotiations for the settlement of damages shall be conducted and controlled by City. In the event City or Tenant receives any sums at any time for damages to growing crops arising from the use of any portion of the Farm by any oil, gas or mineral lease or easement or right of way holder, such amount shall be divided in the fractions allowable for rent on the crops involved. City shall not be obligated to share with Tenant any royalties, bonuses or delay rentals received from oil, gas or minerals, payments made for permanent or long range damage to the Farm or sums received from the sale of easements or any amounts received under seismic permits.
11. **Taxes, Assessments, and Utilities.**
  - a. City agrees to pay all *ad valorem*, special assessment or any other taxes levied or assessed against the Farm or any part thereof during the term of this Lease.

- b. Tenant agrees to pay personal property taxes on any personal property Tenant stores on the Farm or uses in connection with any of its operations on the Farm, and any and all utility charges assessed against the Farm, including charges for water, gas and electricity service, whether now existing or arising during the term of this Lease.
- 12. **Compliance with Environmental Laws.** Tenant will not use the Farm at any time in such a manner as to cause a violation of or to give rise to a removal, restoration, or other remedial obligation under any statute, rule, regulation, ordinance, order, judgment, decree, requirement or common law of any federal, state, municipal or other governmental body or agency having jurisdiction over the Farm, including, without limitation, all rules and regulations of the Kansas Department of Health and Environment, the Resource, Conservation and Recovery Act of 1980, 42 U.S.C. §6901, et seq., and the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. §9601, et seq., (collectively, the "Environmental Laws"). Tenant shall promptly provide City with written notice (1) of any potential, threatened or known release of any dangerous and/or hazardous waste, material, element or substance at or from the Farm, (2) of any adverse environmental condition on or near the Farm, (3) of any violation of any Environmental Laws affecting the Farm, and (4) upon Tenant's receipt of any such notice from any governmental authority. In the event of any discharge, spillage, contamination or other mishandling of a hazardous waste or hazardous substance on or at the Farm as a result of any act or omission of Tenant, its employees, agents, or independent contractors engaged by Tenant, Tenant shall remedy the same in accordance with all Environmental Laws.
- 13. **Insurance.** Tenant shall carry bodily injury and property liability insurance in an amount of at least \$1,000,000.00 per occurrence, listing City as an additional insured on all such policies. Lessee shall furnish City with copies of certificates of such insurance policies within ten (10) days of the execution hereof. All such policies must provide that they cannot be cancelled except upon thirty (30) days' prior written notice to City.
- 14. **When Tenant Shall Indemnify and Hold City Harmless.** City shall not be responsible for any damage, injury, loss or expense resulting from any act or failure to act by Tenant, its employees, agents, licensees, subtenants, guests or visitors. Tenant shall indemnify and hold harmless City and its agents, successors and assigns from and against any and all injury, loss, claim or damage, costs and expenses, including attorneys' fees and disbursements, to any person or property arising from, related to, or in connection with the following:
  - a. Tenant's use, occupancy, or repair of the Farm;

- b. the conduct or management of Tenant's business;
- c. any breach or default by Tenant in the performance of its obligations hereunder;
- d. any negligent act or omission by Tenant, its agents, servants, employees, contractors, guests, subtenants or invitees on or about the Farm;
- e. any violation of any Environmental Law in connection with the Farm, including without limitation, any liabilities incurred by City for the containment, removal, remedy, clean-up or abatement of any contamination.

In the event that any action or proceeding is brought against City by reason of any of the above, Tenant further agrees and covenants to defend the action or proceeding by legal counsel acceptable to City. All property of Tenant in or on the Farm shall be kept and stored at Tenant's sole risk and Tenant shall hold City harmless from any claims arising out of damage to such property.

15. **City's Right to Terminate the Lease.** In the event that City desires to sell all or a part of the Farm, City may, at its discretion, cancel this Lease as to such portion of the Farm being sold by giving written notice to Tenant at least one hundred eighty (180) days prior to the effective date of such cancellation if such cancellation date is on or prior to the end of the term of this Lease. In the event of cancellation, City shall, at City's option, either permit Tenant to harvest the current year's crops or reimburse Tenant for reasonable expenses incurred prior to such notice in preparing for the current year's crops.

16. **Miscellaneous.** The parties further agree as follows:

- a. Tenant shall not, whether by operation of law or otherwise, assign this Lease or any part thereof or sublease or let anyone come in, with, by or under Tenant with respect to any part of the Farm without the prior written approval of City. Any such approval shall not relieve Tenant or his assignees or subtenants from liability hereunder, provided, however, that Tenant may sublease the Farm solely for the production and harvesting of crops, without the prior consent of the City.
- b. All rights and liabilities herein given or imposed upon the respective parties shall extend to and bind their respective heirs, legal representatives, successors and assigns.
- c. City, for any purpose authorized herein, shall have the right to enter upon the farm at reasonable hours for the purpose of inspecting the same or for any other lawful purpose, and City shall incur no liability by reason thereof.

- d. Tenant agrees to take possession of the Farm "as is" and to waive all rights for causes of action for latent or hidden defects or problems.
- e. This Lease is not intended to create a relationship other than that of landlord and tenant, and City shall not be deemed to be a partner or joint venture in Tenant's business and shall never be liable for Tenant's debts or obligations.
- f. This Lease shall be deemed to be a negotiated lease by both parties and shall be construed with the express intentions of the parties to it. It shall be valid and enforceable in every respect to the extent permitted by law.
- g. Any payment, notice, request, demand or other communication which, under the terms of this Lease or under any statute or other law, must or may be given or made by the parties hereto shall be in writing, shall be sent and deemed received when deposited in the United States mail, registered or certified mail, postage prepaid, return receipt requested or if otherwise delivered or sent to be deemed to have been given or made when received at the following addresses or such other addresses as may be hereinafter designated in writing from time to time by the parties hereto:

Tenant - NutriJect Systems, Inc.  
515 Fifth Street  
Hudson, Iowa 50643

City - City Manager  
City Hall  
700 N. Jefferson  
Junction City, KS 66441

- h. The waiver of any party hereto of any breach or default under this Lease shall not be deemed to be a waiver of any such provision or any subsequent breach or default thereof. No provision of this Lease shall have been deemed to have been waived by any party hereto unless the waiver shall be in writing and signed by the party charged with any such waiver.
- i. This agreement contains the entire agreement of the parties hereto, prior discussions or conversations with respect thereto are hereby merged in and superseded by this Lease. Any amendment to this agreement must be in writing and signed by both City and Tenant.

- j. This Lease and the rights and obligations of the parties hereto shall be interpreted, construed and enforced in accordance with the laws of the State of Kansas.
  - k. If it becomes necessary for either City or Tenant to employ an attorney to enforce, whether by original action, counterclaim, or otherwise, its rights, titles and interests under this Lease and against the other party, then the prevailing party, as determined by the final order or judgment of a court of competent jurisdiction, shall be entitled to recover its reasonable attorneys' fees and court costs in connection therewith.
  - l. Notwithstanding that the term of this Lease shall expire one year from its commencement, in the event Tenant remains in possession of the Farm after the expiration of the term of this Lease, City, at City's option, may either evict Tenant and collect damages resulting from such holdover, or treat Tenant as a periodic tenant for an additional one (1) year lease term, but subject to all of the provisions of this Lease.
17. **Warranties and Representations.** It is expressly agreed by Tenant, as a material consideration for the execution of the Lease, that there are and were no verbal representations, warranties, understandings, stipulations, agreements or promises pertaining to this Lease except as set forth in this Lease. City and Tenant further expressly agree that there are and shall be no implied warranties of merchantability, habitability, fitness for a particular purpose or of any other kind arising out of this Lease, and there are no warranties which extend beyond those expressly set forth in this Lease.

IN WITNESS WHEREOF, the parties have executed this Farm Lease the day and year first above written.

City of Junction City, Kansas

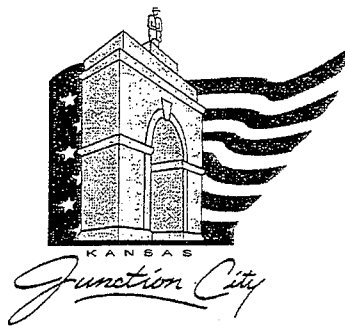
By: \_\_\_\_\_  
Michael Rhodes, Mayor

NutriJect Systems, Inc.

\_\_\_\_\_  
R. Scott Wienands, President



**Cheryl Beatty**  
**Finance Director**  
[www.cheryl.beatty@jcks.com](http://www.cheryl.beatty@jcks.com)  
(785) 238-3103 ext 305



Municipal Building  
P. O. Box 827  
700 N. Jefferson St.  
Junction City, KS 66441

September 24, 2010

Dale Herschberger, District Engineer  
Kansas Department of Transportation  
731 Crawford Street  
Clay Center, KS 67432

RE: Frontage Road @ I-70 & East St.  
Junction City

Dear Dale:

This letter is to serve as a recap of our conversation today regarding the Frontage Road at the I-70 and East Street interchange.

It is the cities' understanding that under the KDOT Connection Links contract with the City, the city is responsible for the care and maintenance of the above listed road as indicated on the map attached to our connecting link contract dated January 14, 2003. Other items discussed included:

- It is mutually agreed that the above listed road is a very low maintenance road based on the use of road. Therefore, the city will provide very low maintenance of this frontage road.
- KDOT intends to retain this frontage road for future maintenance and expansion of I-70.
- At the request of a local user of the road, KDOT has installed a gate across the road to slow down or possibly prevent illegal activities such as trash dumping and teen drinking gatherings along this road. KDOT will not allow this gate to be locked due to access requirements of other agencies such as Westar.
- KDOT will not agree to allow this road to be maintained by a user as proposed by Mr. William Strauss.
- The City should not allow any citizen or third party to blade, rock or maintain this road without KDOT approval. KDOT acknowledges that Veolia Inc. maintains all city streets on behalf the City.
- If there is a road user that wants this road to become more than a low use/low maintenance road, then they need to request a change through the City and KDOT for a use change and/or upgrade of the road with all changes paid for by the user to meet KDOT standards or specifications. A request, however, for a use change and/or upgrade may be denied by either the City or KDOT.

Thank you for providing me a historical review of this road and feel free to clarify the content of this letter if needed.

Sincerely,

  
Cheryl S. Beatty  
Finance Director



8a

**City of Junction City  
City Commission  
Agenda Memo**

**Date:** September 28, 2010

**From:** V. Linnea Alt, Animal Shelter Board Member  
**To:** City Commission of Junction City  
**Subject:** Modification of City Ordinances Pertaining to Animals/Pets  
Ordinance G-1082

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**Objective:** Obtain modification of outdated city ordinances pertaining to the Junction City/Geary County Animal Shelter.

**Explanation of Issues:** The current ordinances listed in Chapter 215 of the Code of the City of Junction City needs to be updated to reflect the amended name of the shelter, increase licensing fees, amend the quarantine provision, provide for the current handling of the animal shelter by the Animal Shelter director, etc.

**Budget Impact:** There is no negative impact to the city budget. The licensing fees for the dog/cats in the city limits will increase for unaltered animals and the fees collected by the shelter for impounded animals and quarantined animals will increase.

**Alternatives:** It appears that the City Commission has the following alternatives concerning the issues at hand:

1. Approve ordinance modifications as proposed in the enclosed documents.
2. Disapprove ordinance modifications.
3. Modify the proposed ordinance modifications.
4. Table the request.

**Suggested Motion:**

Commissioner \_\_\_\_\_ moved that the ordinance modifications to Chapter 215 of the Code of the City of Junction City be approved on first reading.

Commissioner \_\_\_\_\_ seconded the motion.

**Recommendation:** The Junction City/Geary County Animal Shelter Board recommends the approval of the changes as set forth in the enclosures.

**Enclosures:** Proposed ordinance Modifications (as previously submitted to the board with omission of the dangerous dog language as previously proposed).

## ORDINANCE G-1082

### AN ORDINANCE AMENDING SECTION 215.050, TITLED "LICENSING," SECTION 215.060, TITLED "IMPOUNDMENT PROCEDURE," AND SECTION 215.070, TITLED "PROCEDURE ON DISEASED OR SUSPECT ANIMALS"

WHEREAS, the City Commission finds it is in the public interest to amend these sections of City Code to provide for licensing, impoundment, and for the control of diseased or suspect animals, to delineate the offense of keeping or harboring an animal that unlawfully bites a non-family member, and to designate the facility as the Junction City/Geary County, Animal Shelter.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF JUNCTION CITY, KANSAS.

SECTION 1. Section 215.050 is hereby amended to read as follows:

#### SECTION 215.050: LICENSING

- A. No person shall own, keep or harbor an animal over the age of five (5) months within the City limits unless the animal has been vaccinated by a licensed veterinarian with an anti-rabies vaccine and licensed by the City of Junction City.
- B. The animal license tags shall be issued upon payment of the license fee and presentation of a certificate of vaccination current within three (3) months of the date of application. The license shall be valid for one calendar year from date of vaccination and cannot be transferred.
- C. Applications for animal licenses shall be made upon a printed application form provided by the Junction City/Geary County Animal Shelter and shall state the name and address of the owner, harbinger or keeper of said animal, and the name, breed, color, age and sex of the animal.
- D. Animal license tags shall be issued by the Junction City/Geary County Animal Shelter and/or licensed veterinarians.
- E. The license fee for a dog or cat license shall be five dollars (\$5.00) for a neutered dog or cat, and twenty-five dollars (\$25.00) for an intact male or female dog or cat. Said license fee shall be paid to the Junction City/Geary County Animal Shelter. The veterinarian issuing said license shall receive a fee of two dollars (\$2.00) for each license issued.
- F. Every person who owns, harbors, keeps or is in charge or in control of a dog or cat within the City limits shall provide and place on such animal a collar or harness which shall be worn

- C. Sick or injured animals found or picked up by the Animal Control Officer will be evaluated and/or treated by a licensed veterinarian, who shall be designated by the Junction City/Geary County Animal Shelter Director. Further, the Junction City/Geary County Animal Shelter Director will arrange for a veterinarian to provide responsive treatment for animals maintained at the Junction City/Geary County Animal Shelter during the three (3) business day holding period that become ill or show symptoms of injury. The Junction City/Geary County Animal Shelter Director is hereby authorized to pay for all services rendered by veterinarians under this Section.
- D. Attending veterinarians shall have the authority to humanely destroy any animal evaluated and/or treated under this Section of the Code that has a contagious disease or injury where such humane disposition is in the attending veterinarian's opinion the appropriate veterinary medical action.
- E. The owner of a sick or injured animal taken to a veterinarian by the Animal Control Officer is responsible for the payment of charges for veterinarian services related thereto. The owner shall reimburse the City of Junction City for all expenditures the City is required to pay for veterinary services rendered to the owner's animal under this Section.
- (Ord. No. G-866 §§1-2, 5-6-97)

**SECTION 4.** All ordinances and parts thereof that are inconsistent with any provision of this Ordinance are hereby repealed.

**SECTION 5.** This Ordinance shall be effective upon its publication once in the *Junction City Daily Union*.

Passed and Adopted by the Governing Body of the City of Junction City, Kansas, this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Tyler Ficken  
City Clerk



# City of Junction City

## City Commission

### Agenda Memo

October 5, 2010

**From:** Mark Karmann, Code Enforcement  
**To:** Gerry Vernon, City Manager and the City Commissioners  
**Subject:** **316 W 15<sup>th</sup> St – Request for Bids for Demolition of Property**

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**Objective:** To acknowledge the immediate condemnation and the consideration and approval to Request Bids for the demolition of 316 W 15<sup>th</sup> St.

**Explanation of Issue:** On September 21, 2010 the Junction City Police Department and Code Enforcement inspected the property at 316 W 15<sup>th</sup> St. In accordance with Section 525.010 of the Municipal Code, City Staff has identified the building as an unsafe structure and has ordered its immediate demolition. Several violations were noted:

- Siding broken and falling off in several places.
- Several windows broken and sill rotten from being exposed to weather.
- Romex wiring installed over front door that needs to terminate in a box.
- Entire structure is overrun with mice, vermin and rodents.
- Animal feces and urine present make structure uninhabitable for human occupancy.
- Interior ceiling, walls and floor have holes and falling wall covering because they are soaked with urine and feces.
- State and local authorities removed 49 or more living and dead animals.
- Scattered rubbish and trash throughout structure.
- State health officer ruled the air quality too toxic for human consumption without the aid of a respirator.

A letter has been sent to the property owner notifying her of the plan of action. Per section 525.070 of the Municipal Code, City Staff is requesting immediate action and approval to request bids for the demolition of the property at 316 W 15<sup>th</sup> St. Request for bids will be published October 6<sup>th</sup>. Contractors will be notified by phone. A pre-bid meeting will be held on October 8<sup>th</sup> at 9:00 am. Bid opening will be on October 12<sup>th</sup> at 3:00 pm. Award of Contract will be presented to the Commissioners at the October 19<sup>th</sup> Commission meeting.

**Budget Impact:** If process continues, it may cost as much as \$10,000.00 to demolish and clean up. The project will be funded through 01-5-22-00-0706 (General Fund, Demolition Removal). \$1,500.00 was budgeted for 2010. Costs will be billed to the property owner and will reimburse any charges to this account.

**Alternatives:** It appears that the City Commission has the following alternatives concerning the issues at hand. The Commission may:

1. Approve the Request for Bids for the demolition of the structure at 316 W 15<sup>th</sup> St.
2. Disapprove the Request for Bids.
3. Modify the Request for Bids.
4. Table the request.

**Recommendation:** City Staff recommends the Commission to approve the Request for Bids.

**Enclosures:** Letter to property owner dated September 23, 2010, Invitation to Bid, Bid & Contract Document

Mark W. Karmann  
Senior Inspector



PO Box 287  
700 N Jefferson  
Junction City, KS 66441  
785-238-3103 Ext. 437

## Code Enforcement Department

September 23, 2010

Dear Kimberly F. Hamilton,

On September 21, 2010, I accompanied the Junction City Police Department on an inspection of your property located at 316 West 15<sup>th</sup> Street in Junction City, Kansas. After this inspection, I have determined that in accordance with Section 525.010 of the Municipal Code, this structure meets the criteria to be deemed an unsafe structure.

Municipal Code Section 525.010 states any building or portion thereof, including any dwelling unit, mobile home, guest room or suite of rooms or the premises on which the same is located, in which there exists any of the following listed conditions to an extent that endangers life, limb, health, property, safety, or welfare of the public or the occupants thereof shall be deemed and hereby is declared to be an unsafe or dangerous structure.

Listed below are the code violations, sanitation issues, and the health and welfare issues noted during the inspection:

- There are several places siding is broken and falling off.
- There are several windows that are broken and the sills are rotten from being exposed to the weather.
- There is romex wiring installed over the front door the needs to terminate in a box per the electrical code.
- The entire structure is overrun with mice, vermin and rodents.
- The amount of animal feces and urine present make this structure uninhabitable for human occupancy.
- The interior ceiling, walls and floor have holes and falling wall coverings because they are soaked with urine and feces.
- The state and local authorities removed 49 or more living and dead animals from the structure.
- There is scattered rubbish and trash throughout the structure.
- The state health officer that assisted in the removal of the animals ruled that the air quality of the structure was too toxic for human consumption without the aid of a respirator.



Due to the severity of these hazards, you have until the October 5, 2010 commission meeting to abate these conditions.

Municipal Code Section 525.070 states when, in the opinion of the Enforcing Officer, any structure is in such condition as to constitute an immediate hazard requiring immediate action to protect the public, such officer may erect barricades or cause the property to be vacated, taken down, repaired, shored or otherwise made safe without delay and such action may, under circumstances, be taken without prior notice to or hearing of the owners agents, lien holders and occupants. The cost of any such action shall be accessed against the property and paid in the manner provided by Municipal Code Section 525.060 of this chapter.

In accordance with Section 525.070 of the Municipal Code, this property will be considered for immediate condemnation by the city commission at their next meeting which is scheduled for October 5, 2010 at 7:00 pm. If you wish to keep your property from being taken down, your presence is requested at this meeting. If you do not attend this meeting the city commission will take the appropriate action necessary to resolve these issues.

If you have questions or concerns please contact my office at (785)238-3103 ext. 437.

Sincerely,

A handwritten signature in cursive script that reads "Mark Karmann".

Mark Karmann  
Senior Inspector

## INVITATION TO BID

Sealed bids will be received until 3:00 P.M. at the Junction City Code Enforcement Department, 700 N. Jefferson, Junction City, Kansas on Tuesday, October 12, 2010, for the demolition and removal of a structure located at 316 W 15<sup>th</sup> St (Lot Nine (9), Block Twenty five (25) Railroad Addition to Junction City, Kansas).

Improvements not part of the project, such as sidewalks, curbs, driveways, roadway pavement and any other improvements removed, broken or damaged by the Contractor shall be replaced or reconstructed with the same kind of materials found on the work or with materials of equal quality. The new work shall be left in serviceable condition satisfactory to the Codes Administrator whenever a part of a square or slab or existing concrete sidewalk shall be removed and reconstructed. Damaged improvements shall be repaired at the Contractor's expense.

Bid forms for this demolition may be obtained at the Junction City Code Enforcement Department, 700 N Jefferson Street. All Contractors interested in bidding on subject structures shall attend a pre-bid meeting to be held starting at 9:00 am on October 8, 2010. Each bid shall be submitted in a sealed envelope and shall be marked "Sealed Bid - Demolition of 316 W 15<sup>th</sup> St Structure".

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Tyler Ficken, City Clerk

SEAL

DEMOLITION OF STRUCTURE(S)  
BID AND CONTRACT DOCUMENT

SITES

Structure(s) located at: 316 W 15<sup>th</sup> St, Lot Nine (9), Block Twenty Five (25), Railroad Addition to Junction City, Geary County, Kansas.

LIABILITY

The Owner or City of Junction City, Kansas shall not be held liable for any action or cause of action, nor be responsible for any damages or claims whatsoever which may arise out of and from the performance of the proposed contract.

SCOPE

The work to be done under this contract includes the furnishing of all labor, materials, equipment, barricades and services necessary for, and incidental to, the proper and safe demolition of all building(s) on the site. The Contractor shall also be responsible for the complete removal of all debris to include existing trash, brush, limbs and scrub trees under 6" diameter from the entire lot. Contractor is responsible for obtaining all necessary permits. The Contractor(s) receiving the award(s) for demolition of any structure(s) covered in this Contract shall have 21 days after the awarding of bids to demolish said structure(s). If said structure(s) are not demolished in this time this Contract will be voided and the demolition(s) will be awarded to the next lowest bidding Contractor.

DEMOLITION

All buildings on the site will be removed down to the basement floor, if a basement exists, to include all walls. All excavations shall be filled, compacted and graded so lot is level with the adjoining grades and lots. Until actual demolition of structure(s) starts, structure(s) shall remain secured and not accessible to the public. After demolition has started, the Contractor shall have a maximum of seven (7) days to remove said structure(s).

FOUNDATION & BACKFILL

The excavation will be backfilled with a homogenous soil material approved by the Junction City Code Enforcement Division staff. No concrete, rocks, bricks, trash or other construction debris is to be placed in any backfilled area. The Contractor shall contact the Junction City Code Enforcement Division prior to start of any backfilling.

PUBLIC UTILITIES AND IMPROVEMENTS

The contractor shall take care of all public utilities encountered in connection with this work. He shall make all necessary arrangements, and provide all services required in the care of gas pipes, water pipes, sewer pipes, electric wires, telephone and TV cables. The contractor will seal the sanitary sewer in an approved manner, below grade at the foundation location. The Contractor shall call the Junction City Code Enforcement Department for a sewer cap inspection before any backfill is placed.

Improvements not part of the project such as sidewalks, curbs, driveways, roadway pavement and any other improvements removed, broken or damaged by the Contractor shall be replaced or reconstructed with the same kind of materials found on the work or with materials of equal quality. The new work shall be left in serviceable conditions satisfactory to the Codes Administrator whenever a part of a square or slab or existing concrete sidewalk, shall be removed and the concrete reconstructed. Damaged improvements shall be repaired at the Contractor's expense.

BIDS

Bids must be submitted in accordance with Invitation to Bid. The City reserves the right to reject any and all bids for any reason. All Contractors interested in bidding on subject structures shall attend a pre-bid meeting to be held starting at 9:00 A.M. on October 8, 2010. This meeting will be held at 316 W 15<sup>th</sup> St.

AFFIRMATIVE ACTION PLAN

Successful bidders must supply the City with a current copy of their company's Affirmative Action plan and have said plan approved by the City.

Bid Amount for: 316 W 15<sup>th</sup> St:

\$ \_\_\_\_\_ BID

\_\_\_\_\_ Dollars

\_\_\_\_\_ Cents

Number of days to completion: \_\_\_\_\_

By \_\_\_\_\_

Signature \_\_\_\_\_

Address \_\_\_\_\_

Date \_\_\_\_\_

# City of Junction City

## City Commission

### Agenda Memo

September 14, 2010

**From:** David L. Yearout, AICP, Director of Planning and Zoning

**To:** City Commission & Gerry Vernon, City Manager

**Subject:** Case No. Z-06-01-10 – Rezoning of property at 416 West Spruce from “RD” Duplex Residential to “PDD” Planned Development District for a mixed-use facility. (S-3086)

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**Issue:** Consideration of request to rezone the property at 416 West Spruce Street from “RD” Duplex Residential to “PDD” Planned Development District, filed by Kaw Valley Engineering, agent, on behalf of Hoover, Bachman & Associates, owner.

**Explanation of Issue:** The Metropolitan Planning Commission held public hearings on July 8, 2010, and August 19, 2010, to consider the petition of Kaw Valley Engineering, agent, on behalf of Hoover, Bachman & Associates, owner, to rezone the property at 416 Spruce Street from “RD” Duplex Residential to “PDD” Planned Development District. The purpose of the rezoning is to allow the redevelopment of the property into a mixed use facility and to separate the single-family home facing Walnut from the balance of the property. This is the former Good Samaritan Center. By unanimous vote, the MPC has recommended the rezoning be granted, subject to the conditions listed in the staff report and subject to the approval of the replat for the property.

**Alternatives:** In accordance with K.S.A. 12-757, the City Commission has the following alternatives for a rezoning application on first appearance:

1. To accept the recommendation of the MPC and approve the Ordinance, thereby rezoning the property.
2. Modify the recommendation of the Planning Commission by a 2/3 majority vote and approve the Ordinance as so modified, thereby rezoning the property subject to said changes.
3. Return the recommendation to the Planning Commission for further consideration, specifying the items, concerns or issues with said recommendation.
4. Disapprove the recommendation of the Planning Commission by a 2/3 majority vote and not rezone the property.

**Staff Recommendation:** Accept the recommendation of the MPC and approve the Ordinance, thereby rezoning the property.

**Suggested Motion:**

Commissioner \_\_\_\_\_ moved that the recommendation of the Planning Commission be accepted and that Ordinance No. S-3086, an ordinance rezoning property at 416 Spruce Street and more particularly described as the proposed plat of the Ziegler Addition to the City of Junction City, Geary County, Kansas, from "RD" Duplex Residential to "PDD" Planned Development District be approved on first reading.

Commissioner \_\_\_\_\_ seconded the motion.

**Enclosures:**

MPC Minutes of July 8, 2010, and August 19, 2010  
Staff Reports  
Ordinance S-3086

ORDINANCE NO. S-3086

AN ORDINANCE RELATING TO PROPERTY LOCATED AT 416 WEST SPRUCE STREET AND MORE PARTICULARLY DESCRIBED AS ALL OF LOTS FOUR (4), FIVE (5), SIX (6), SEVEN (7), EIGHT (8), ELEVEN (11), TWELVE (12), THIRTEEN (13), FOURTEEN (14), FIFTEEN (15), SIXTEEN (16), AND SEVENTEEN (17); THE WEST ONE-THIRD (1/3) AND THE WEST TEN (10) FEET OF THE EAST TWO-THIRDS (2/3) OF LOTS ONE (1), TWO (2) AND THREE (3); AND ALL OF THE VACATED ALLEY ADJACENT TO LOTS FOUR (4), FIVE (5), SIX (6), SEVEN (7), EIGHT (8), ELEVEN (11), TWELVE (12), THIRTEEN (13), FOURTEEN (14), FIFTEEN (15), SIXTEEN (16), AND SEVENTEEN (17), BLOCK SEVEN (7), SANDERSONS ADDITION TO JUNCTION CITY, KANSAS, REZONING SAID PROPERTY FROM DUPLEX RESIDENTIAL (RD) DISTRICT TO PLANNED DEVELOPMENT DISTRICT (PDD), ALL WITHIN THE CORPORATE LIMITS OF THE CITY OF JUNCTION CITY, KANSAS.

WHEREAS, application has been made by the owner, through the contract buyer, to rezone certain property within the City of Junction City, Kansas; and,

WHEREAS, proper notice has been given by publication of legal notice and by mailed notice to surrounding property owner in conformance with K.S.A. 12-757; and,

WHEREAS, the Junction City/Geary County Metropolitan Planning Commission held a public hearing on the application and, by a majority vote of members present, recommended the property in question be rezoned;

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF JUNCTION CITY, KANSAS:

Section 1. That the property, situated at 416 West Spruce Street within the City of Junction City, Geary County, Kansas, and described as follows:

**DESCRIPTION:**

ALL OF LOTS FOUR (4), FIVE (5), SIX (6), SEVEN (7), EIGHT (8), ELEVEN (11), TWELVE (12), THIRTEEN (13), FOURTEEN (14), FIFTEEN (15), SIXTEEN (16), AND SEVENTEEN (17); THE WEST ONE-THIRD (1/3) AND THE WEST TEN (10) FEET OF THE EAST TWO-THIRDS (2/3) OF LOTS ONE (1), TWO (2) AND THREE (3); AND ALL OF THE VACATED ALLEY ADJACENT TO LOTS FOUR (4), FIVE (5), SIX (6), SEVEN (7), EIGHT (8), ELEVEN (11), TWELVE (12), THIRTEEN (13), FOURTEEN (14), FIFTEEN (15), SIXTEEN (16), AND SEVENTEEN (17), BLOCK SEVEN (7), SANDERSONS ADDITION TO JUNCTION CITY, KANSAS.

be, and the same is, hereby ordered rezoned from its present classification of Duplex Residential (RD) to Planned Development District (PDD) as provided in K.S.A. 12-757.

Section 2. The Zoning Administrator of the City of Junction City, Kansas is hereby ordered and directed to cause said designation to be made on the Official Zoning Map of said City in his custody and to show the property herein described to be zoned as Service Commercial Restricted (CSR).

Section 3. This Ordinance shall be in full force and effect from and after its publication once in the Junction City Daily Union.

PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2010.

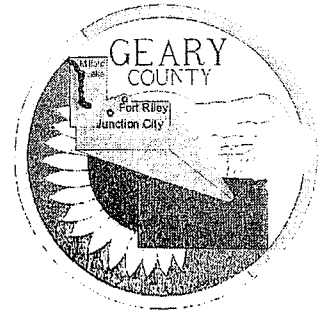
\_\_\_\_\_  
MICHAEL RHODES, MAYOR

ATTEST:

\_\_\_\_\_  
TYLER FICKEN, CITY CLERK



**JUNCTION CITY/GEARY COUNTY  
METROPOLITAN PLANNING COMMISSION  
BOARD OF ZONING APPEALS**



**STAFF REPORT**

July 6, 2010

**TO:** Metropolitan Planning Commission / Board of Zoning Appeals

**FM:** David L. Yearout, AICP, Director of Planning and Zoning

**SUBJECT:** Z-07-01-10 – Request of Kaw Valley Engineering, agent, on behalf of Justin Hoover, President, Hoover, Bachman & Associates, Inc., owner, to rezone property at 416 West Spruce from “RD” Duplex Residential to “PDD” Planned Development District for a mixed-use facility.

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This is the request of Kaw Valley Engineering, agent, on behalf of Justin Hoover, President, Hoover, Bachman & Associates, Inc., owner, to rezone property at 416 West Spruce from “RD” Duplex Residential to “PDD” Planned Development District for a mixed-use facility. This is the former Good Samaritan facility that is located between Walnut Street on the north and Spruce Street on the south, and is generally in the middle of the block between Madison Street on the east and Jackson Street on the west.

After Good Samaritan closed the nursing home facility in the fall of 2009, the property reverted to the Ziegler family in accordance with the deed conditions of the original gift of the property to Good Samaritan. The Ziegler family subsequently sold the property to the present owners, Hoover, Bachman & Associates, Inc., which is pursuing the establishment of a mixture of uses within the facility.

Staff met with the applicants to discuss the manner in which the proposed uses might be established, especially given the Good Samaritan facility is zoned “RD” Duplex Residential. The proposed uses would require a change in zoning regardless of what was likely to occur with the property. After discussion concerning the potential uses, and site visits with representatives of the applicant to review the challenges with converting the property to a new use; it was determined the “PDD” Planned Development District category would be the best approach to providing the flexibility to accommodate the limited uses proposed without the impact of a more general change to a commercial classification that would open the property to other potentially harmful uses for the neighborhood. The surrounding properties are almost exclusively single-family residential that have been maintained over the years in that manner with the full knowledge of the Good Samaritan facility. But that situation has now changed.

It is staff’s intention to “combine” several steps in the process for a Planned Development District by considering this a “preliminary” and a “final” development plan for this project. According to information provided by the applicant, the only exterior modifications of any



significance will be the removal of the breezeway connecting the single-family home on Walnut Street to the former nursing home facility. In addition, the northern rooms in that wing of the nursing home will be removed and remodeled to effectively create a new north wall of that wing of the building. As can be seen from the plans submitted, as well as the proposed final plat covering the replat of this area, the intention is to make the single-family home a separate property and remove it from the balance of the facility. In order to maintain compliance with the "spirit and intent" of the Zoning Regulations, staff is recommending this project be considered in this manner in order to allow the transition to its new use without overburdening either the applicant or the staff with difficult administrative management issues as the full use of this property manifests itself over time. Staff supports the idea of providing more flexibility in the uses for this property and still allow those uses to change without additional public hearings and "micro-management" by the City. Staff believes this can be achieved in the manner in which we are trying to implement the Planned Development District in this instance, and this process can become the model of how the Zoning Regulations may be modified in the future to codify this process.

Saying that, there are still standards and submittal requirements outlined within the Zoning Regulations that must be met and staff desires to see those standards addressed in the documentation provided for this project. In particular, the standards and submittal requirements are identified in Section 435.030 and Section 435.040 of the Zoning Regulations. Those standards and the staff comments to each are as follows.

## **DESIGN STANDARDS FOR PLANNED DEVELOPMENT DISTRICTS**

### **SECTION 435.030: STANDARDS AND CRITERIA FOR PLANNED DEVELOPMENTS**

A. *Standards For All Planned Developments.* A development plan shall not be inconsistent with the following general standards for use of land, and the use, type, bulk, design and location of buildings, the density or intensity of use, the common open space, the public facilities and the development by geographic division of the site:

1. The planned development can be substantially completed within the period of time specified in the schedule of development submitted by the developer.

*According to the Development Plan, all renovations are to be completed within 18 months. Given that virtually all modifications will occur to the interior, this is reasonable. As noted above, the primary exterior modification will be to separate the single-family home on Walnut from the balance of the facility by removing the breezeway and removing the northern rooms from the nursing home structure.*

2. The planned development will not substantially injure or damage the use, value and enjoyment of surrounding property nor hinder or prevent the development of surrounding property in accordance with the land use plan.

*Virtually all of the surrounding properties already are developed and it is not anticipated this modification will harm any of those properties. The application of the Planned Development District will do more to protect the use, value and enjoyment of the surrounding properties than a normal rezoning to some category that would accommodate the proposed uses.*

3. The site will be accessible from public roads that are adequate to carry the traffic that will be imposed upon them by the proposed development and the streets and driveways on the site of the proposed development will be adequate to serve the residents or occupants of the proposed development. Traffic control signals will be provided without expense to the City when the City Governing Body determines that such signals are required to prevent traffic hazards or congestion in adjacent streets.

*The existing streets are felt adequate to accommodate the traffic loads anticipated to be generated by the potential uses without modification, either by improvements or installation of other traffic control devices.*

4. The development will not impose an undue burden on public services and facilities, such as fire and police protection.

*It is felt the proposed uses will impose no burden on these public services.*

5. The entire tract or parcel of land to be occupied by the planned development shall be held in a single ownership, or if there are two (2) or more owners, the application for such planned development shall be filed jointly by all such owners.

*The intention is to create two lots; one for the single-family home and the other for the balance of the former nursing home facility. The entire property is under single ownership at the time of the application, but in time the single-family home will be separated from the balance of the property. The plat shows how this is all to take place.*

6. The development plan shall contain such proposed covenants, easements and other provisions relating to the bulk, location and density of residential buildings, non-residential uses and structures, and public facilities as are necessary for the welfare of the planned development and are not inconsistent with the best interests of the area. Such covenants, easements and other provisions, if part of the development plan as finally approved, may be modified, removed or released only with the consent of the City Governing Body after a public hearing before, and recommendations by, the Planning Commission as provided in Section 435.040 B(1) of this Chapter. All such covenants shall specifically provide for enforcement by the City in addition to the landowners within the development.

*There have been no restrictive covenants submitted with this application to date. There is a statement on the Development Plan indicating that common areas are being established, but there is no further documentation as to how that area will be maintained. Staff believes covenants should be prepared to address these areas before the final action by the City Commission occurs. Whether the MPC wishes to review these is up to the Commission.*

7. The Planning Commission may designate divisible geographic sections of the entire parcel to be developed as a unit, and shall, in such case, specify reasonable periods within which development of each such unit must be commenced. In the case of residential planned developments and general planned developments which contain residential buildings, the Planning Commission may permit in each unit deviations from the number of units per acre established for the entire planned development, provided such deviation shall be adjusted for in other sections of the development so that the number of dwelling units per acre authorized for the entire planned development is not affected. The period of time established for the completion of the entire development and the commencement date for each section thereof may be modified from time to time by the Planning Commission upon the showing of good cause by the Developer, provided that in no case shall any extension of time exceed twelve (12) months. The developer shall provide and record easements, covenants, shall make such other arrangements, and shall furnish such performance bond, escrow deposit, or other financial guarantees as may be determined by the Planning Commission to be reasonably required to assure performance in accordance with the development plan and to protect the public interest in the event of abandonment of said plan before completion.

*Since this is a redevelopment of an existing facility, staff does not believe this step is relevant.*

8. The location and arrangement of structures, parking areas, walks, lighting and appurtenant facilities shall be compatible with the surrounding land uses, and any part of a planned development not used for structures, parking and loading areas, or access ways, shall be landscaped or otherwise improved.

*The Development Plan indicates that no physical changes will occur except with respect to exterior lighting. Staff recommends the Development Plan, or the supplemental documentation that should be provided, note the type and manner of exterior lighting to be installed. Since this is an established neighborhood it is appropriate to evaluate the manner in which the lighting will be placed in order to mitigate any potential conflicts.*

9. When business or manufacturing structures or uses in a planned development district abut a residential district or residential buildings in the same development, screening shall be provided. In no event shall a business or manufacturing

structure in a planned development district be located nearer than one hundred (100) feet to a residential building.

*There is no screening shown on the Development Plan. There is an existing stone wall on the west side of the building, but this provides no screening. There are residential uses at the northwest corner of the property and all along the east side of the property. However, these homes have existed with the Good Samaritan facility for years and, in all practicality, the general appearance and use of the property is changing little under this plan. Staff has no position on whether screening is necessary at this location and for this property.*

10. Notwithstanding any of the other provisions of this Chapter, when a shopping center is developed as a planned development district, such shopping center shall have five (5) off-street parking spaces for each one thousand (1,000) square feet of floor area in the structures located in the planned shopping center development. Such off-street parking facilities shall comply with the provisions of Chapter 420 of this Title.

*N/A*

11. The specifications for the width and surfacing of streets and highways, alleys, ways for public utilities, for curbs, gutters, sidewalks, street lights, public parks and playgrounds, school grounds, storm water drainage, water supply and distribution, sanitary sewers and sewage collection and treatment established in (Subdivision Regulations) Chapter 455 of the City as amended from time to time, may, within the limits hereinafter specified, be waived or modified by the Planning Commission where the Commission finds that such specifications are not required in the interests of the residents or occupants of the planned development and that the waiver or modification of such specifications would not be inconsistent with the interest of the entire City Planning Area. The City should set out:

- a. Any customary public service specifications and platting design controls which it will not modify or waive under any circumstances; and

*The only modification that will be addressed within the Development Plan will be changes to the setback requirements as a result of the division of land separating the single-family home and the balance of the property. Staff is taking the position the ultimate approval of the Development Plan will authorize those modifications as shown on the final plat.*

- b. In cases where it is willing to modify any specifications, the limits of such modifications. An example of the former might relate to sewer and water standards. Examples of the latter might be a total waiver of a requirement for sidewalks or a specified reduction in street widths.

*The minutes need to reflect the limits of the modifications of the setbacks being established, based on the documentation provided by Kaw Valley Engineering.*

12. Any modifications of the zoning or other regulations that would otherwise be applicable to the site are warranted by the design to the development plan, and the amenities incorporated in it, and are not inconsistent with the interest of the public generally.

*The only real "modification" to the Zoning is the limitations established by the stated permitted uses on the Development Plan. These are title "Potential Uses" and are listed in the lower right-hand corner of the Development Plan. Staff has some problems with the list, as follows:*

- a. *Item number 3 is "masseuse", which by definition is a massage provided by a female only. It is unknown what is intended by this, but staff believes that "touch/therapeutic massage" is what is intended. If so, the Development Plan needs to be modified to so state.*
- b. *Item number 4 is "beauty salon", which could be construed to be limited to female patrons only. Staff believes that "cosmetologist" is what is intended, which broadens to cover barber services as well. If so, the Development Plan needs to be modified to so state.*
- c. *Items 5 "associate childcare", 9 "rent an office while your child plays center", 11 "sick child care", and 14 "childcare" all are essentially the same thing. Staff would prefer this be considered as a licensed "Child Care Center" as defined by the State of Kansas, which allows virtually all of these uses but allows the management of the operation within the confines of state law.*
- d. *Item 7 is "climate controlled storage", which makes this the same as a mini-storage facility. Staff believes this is not consistent with the overall desire to minimize the impacts to the neighborhood. If the storage space is provided to the tenants, that is an acceptable accessory use and no designation is needed. If the intent is to make space available for anyone to lease, that is a different story. Staff is opposed to making this a storage facility for lease to outside users.*
- e. *Items 12 "music lessons" and 24 "cooking classes" denotes conducting educational operations within the facility. Staff would prefer to not open this as any type of an "educational" facility, but if that is acceptable to the MPC, staff would recommend that very specific limitations to what can be done be specified.*

- f. *Item 13 is “dining room for apartment dwellers, their guests, staff and locals”, which is potentially too broad. By adding “...and locals” to the list makes this potentially a restaurant. It also precludes a “nonlocal” from being there, whatever that means. Staff believes it should be stated that there will be a “dining room” for food services to tenants, staff and their guests” is all that should be approved. The phrase “...their guests” should provide the breadth of use designation intended based on conversations with the applicant.*
- g. *Item 26 is “computer repair”, which denotes a retail-type operation that could be more intensive in terms of public usage than most other uses. Staff would recommend this be eliminated or at least more specifically clarified as to what is being proposed.*
- h. *Item 27 is “swimex”, which we have no idea at to its meaning. If this is intended to be a “water therapy” facility, staff is questioning whether the intention is to add a pool or water structure to the building. If this means something else, we wish clarification.*

B. *Standards for Residential Planned Developments and General Planned Developments Containing Residential Buildings.*

- 1. Any development plan that does not propose to increase the number of dwelling units per acre that would otherwise be permitted on the property under the zoning regulations otherwise applicable thereto shall be prima facie qualified for preliminary approval insofar as residential density is concerned. A development plan may provide for a greater number of dwelling units per acre than would be permitted by the zoning regulations otherwise applicable to the site, but if the number of dwelling units per acre exceeds by more than ten percent (10%) that permitted by the zoning regulations otherwise applicable to the site, the developer has the burden to show that such excess will not have an undue and adverse impact on existing public facilities and on the reasonable enjoyment of neighboring property. The Planning Commission in determining the reasonableness of a proposed increase in the number of dwelling units per acre, shall recognize that increased density may be compensated for by additional private amenities and by increased efficiency in public services to be achieved by:
  - a. The amount, location and proposed use of common open space, and
  - b. The location, design and type of dwelling units.

The Planning Commission shall, in its determination, also consider that the physical characteristics of the site may make increased densities appropriate in the particular location.

*Since there is only one single-family home, this is not an issue.*

2. When common open space is provided in a development plan, the amount and location of such common open space shall be consistent with the declared function of the common open space as set forth in the application for a planned development district. The development plan shall include such provision for the ownership and maintenance of the common open space as are reasonably necessary to ensure its continuity, care, conservation and maintenance, and to ensure that remedial measures will be available to the City if the common open space is permitted to deteriorate or is not maintained in a condition consistent with the best interest of the planned development or of the entire City Planning Area.

*As noted earlier, most of the land occupied by the former Good Samaritan facility that is not within the building is stated to be "common open space." The statement on the Development Plan says this space will be maintained by the applicant, but that should be conveyed within a Restrictive Covenant that carries the responsibility on to future owners and/or operators.*

3. When a planned development includes common open space, such common open space shall never be used for the construction of any structure nor shall such open space ever be computed as a part of the required minimum lot area, or any required yard, of any other structure. Adequate safeguards, including recorded covenants, shall be provided to prevent the subsequent development of, and the future construction of structures on, such open space.

*The Restrictive Covenants should address this issue in detail.*

4. The total ground area occupied by buildings and structures shall not exceed thirty-five percent (35%) of the total ground area of the planned development unless previous development in the neighborhood has a greater lot coverage, in which case the development plan may increase the lot coverage of buildings and structures to correspond with the bulk of the other structures in the neighborhood.

*The Development Plan states the total ground coverage is 26.64 percent, which is within the limitations of the Zoning Regulations.*

5. Non-residential uses of a religious, educational or recreational nature shall be designed or intended primarily for the use of the residents of the planned development.

*As noted in the statements above on the listed uses, there are some "educational" uses proposed and that staff is recommending these not be allowed. The Restrictive Covenants can address this issue with respect to the amenities within the project, depending upon the final position of the MPC.*

6. Non-residential uses of a business character shall be designed or intended to serve principally the residents of the planned development. No structure designed or intended to be used, in part or in whole, for business purposes shall be constructed prior to the construction of not less than thirty percent (30%) of the dwelling units proposed in the development plan.

*The proposed plans for this project do not fit cleanly within the apparent intent of this section, but staff recommends the Planned Development District be approved for this property with the specific understanding the business uses are intended to serve the community.*

7. Planned developments shall have yard setbacks which reflect the following considerations:
  - a. The character and intensity of adjacent development.
  - b. The size of yard setbacks provided by adjacent development.
  - c. The height and character of proposed structures within the planned development and the nature and intensity of their proposed use.
  - d. The desired character and density of the surrounding neighborhood.

*As noted above, the proposed replat of this property will reflect all the setback issues that need to be clarified, especially for the single-family home.*

#### **SECTION 435.040: PROCEDURE FOR SECURING APPROVAL OF A PLANNED DEVELOPMENT AND THE ESTABLISHMENT OF A PLANNED DEVELOPMENT DISTRICT**

##### **A. Preliminary Development Plan.**

1. A developer seeking the establishment of a planned development district shall prepare and submit to the Planning Commission a preliminary development plan for such planned development district.

*The submitted Development Plan serves as both the preliminary development plan and the final development plan. The final document will be prepared based on any modifications made during this approval process.*

2. The preliminary development plan shall contain the following documents and information:
  - a. A survey of the tract that is to be developed showing existing features of the property including streets, alleys, easements, utility lines, existing land use, general topography and physical features.



*Done.*

- b. A site plan showing the location and arrangement of all existing and proposed structures, the proposed traffic circulation pattern within the development, the areas to be developed for parking, the points of ingress and egress, including access streets where required, the relationship of abutting land uses and zoning districts, proposed lots and blocks, if any, and proposed public or common open space, if any, including parks, playgrounds, school sites, and recreational facilities.

*Done.*

- c. A preliminary plat of subdivision for which concurrent approval has been applied for pursuant to the applicable ordinance rules and regulations relating to subdivision approval. (See Chapter 455).

*This is going directly to a final plat for the replat of the property.*

- d. A statement of the anticipated residential density (when applicable), the proposed total gross floor area, and the percentage of the development which is to be occupied by structures.

*This is not necessary given the nature of the project.*

- e. Preliminary sketches of the proposed structures and landscaping; except that this requirement shall not apply to detached, single-family residences.

*All statements clarify the existing structures will not be changed.*

- f. When a planned development is to be constructed in stages or units, a schedule for the development of such stages or units shall be submitted. No such stage or unit shall have a residential density that exceeds by more than twenty percent (20%) the proposed residential density of the entire planned development. The above requirement may be waived upon sufficient assurances that the residential density will not be exceeded for the entire development upon completion of the planned development district.

When a planned development provides for common open space, the total area of common open space provided at any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire planned development as the stages or units completed or under development bear to the entire planned development.

*This is not applicable.*

- g. Evidence that the applicant has sufficient control over the tract to effectuate the proposed plan, including a statement of all the ownership and beneficial interests in the tract of land and the proposed development.

*This is done by the common ownership of the entire tract by the applicant.*

- h. When it deems it to be necessary, the Planning Commission may require a traffic survey setting out and analyzing the effect that the planned development will have upon traffic in the streets and thoroughfares adjacent to and in the vicinity of the proposed development.

*Staff does not believe this is necessary.*

- i. A statement showing the relationship of the planned development to the comprehensive plan and future land use map for the City.

*There is a statement on the face of the Development Plan that this is consistent with the Comprehensive Plan of 2007. Staff concurs.*

- j. In the case of general planned developments, a statement identifying the principal types of business and/or industrial uses that are to be included in the proposed development.

*This has been done and discussed above.*

- k. When a planned development includes provisions for common open space, or recreational facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or recreational facilities. If it is proposed that such open space be owned and/or maintained by any entity other than a governmental authority, copies of the proposed articles of incorporation and by-laws of such entity shall be submitted.

*This is the subject of an earlier comment and can be addressed in the Restrictive Covenants that have been requested by staff.*

- l. Copies of any restrictive covenants that are to be recorded with respect to property included in the planned development district.

*As previously stated, we have received nothing as of the date of this staff report.*

**Staff Recommendation:** Staff recommends the request of Kaw Valley Engineering, agent, on behalf of Justin Hoover, President, Hoover, Bachman & Associates, Inc., owner, to rezone property at 416 West Spruce from "RD" Duplex Residential to "PDD" Planned Development District for a mixed-use facility be recommended for approval subject to modifications to the Development Plan addressing the items noted above, including the preparation of Restrictive Covenants to be recorded against the property complying with the requirements of the Zoning Regulations.

**Suggested Motion:**

I move that Case No. Z-07-01-10, concerning the request of Kaw Valley Engineering, agent, on behalf of Justin Hoover, President, Hoover, Bachman & Associates, Inc., owner, to rezone property at 416 West Spruce from "RD" Duplex Residential to "PDD" Planned Development District for a mixed-use facility, as modified at this meeting, be recommended for approval by the City Commission based on the reasoning stated in the staff report and as presented at this public hearing.



**JUNCTION CITY/GEARY COUNTY  
METROPOLITAN PLANNING COMMISSION  
BOARD OF ZONING APPEALS**



**STAFF REPORT**

August 17, 2010

**TO:** Metropolitan Planning Commission / Board of Zoning Appeals

**FM:** David L. Yearout, AICP, Director of Planning and Zoning

**SUBJECT:** Z-07-01-10 – Request of Kaw Valley Engineering, agent, on behalf of Justin Hoover, President, Hoover, Bachman & Associates, Inc., owner, to rezone property at 416 West Spruce from “RD” Duplex Residential to “PDD” Planned Development District for a mixed-use facility.

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This is the request of Kaw Valley Engineering, agent, on behalf of Justin Hoover, President, Hoover, Bachman & Associates, Inc., owner, to rezone property at 416 West Spruce from “RD” Duplex Residential to “PDD” Planned Development District for a mixed-use facility. This is the former Good Samaritan facility that is located between Walnut Street on the north and Spruce Street on the south, and is generally in the middle of the block between Madison Street on the east and Jackson Street on the west.

This case was continued from last month in order for the development plan to be revised by amending the list of permitted uses within the Planned Development District. According to the Zoning Regulations of the City of Junction City, the Final Development Plan, or at least supporting documentation thereto, are to identify the specific uses to be permitted within the development. The applicant indicated a desire to establish a mixture of residential and commercial uses within the facility that once was used as a nursing home. The original list of uses did not provide sufficient clarity to provide adequate oversight under the provisions of the Zoning Regulations and the MPC desired to see the list of uses rectified to resolve those issues.

The applicant provided a new list (a copy is attached for your review), but staff still believes the list is both too specific and identifies some uses that may be problems. In particular, uses such as audiology clinic, medical office, optometrist office, dental office can be combined with the physical, occupational and speech therapy services, and possibly the touch/therapeutic massage, as a single listing of “medical offices, including massage and therapy services.” Also, many of the other “services” such as computer support and video editing can be identified more as “computer support services, but not retail sales.” It is this type of listing that should be developed, rather than identify specific activities. The staff reasoning for this is to provide enough flexibility to allow evolution of the uses over time without having to come back for amendments to the PDD each time; and to not make the uses so narrow to preclude other similar uses in the future.

The standards and submittal requirements outlined within the Zoning Regulations were reviewed in the last staff report. Those standards and the staff comments given last month (and edited for the information provided from last month in "red") are as follows:

## **DESIGN STANDARDS FOR PLANNED DEVELOPMENT DISTRICTS**

### **SECTION 435.030: STANDARDS AND CRITERIA FOR PLANNED DEVELOPMENTS**

A. *Standards For All Planned Developments.* A development plan shall not be inconsistent with the following general standards for use of land, and the use, type, bulk, design and location of buildings, the density or intensity of use, the common open space, the public facilities and the development by geographic division of the site:

1. The planned development can be substantially completed within the period of time specified in the schedule of development submitted by the developer.

*According to the Development Plan, all renovations are to be completed within 18 months. Given that virtually all modifications will occur to the interior, this is reasonable. As noted above, the primary exterior modification will be to separate the single-family home on Walnut from the balance of the facility by removing the breezeway and removing the northern rooms from the nursing home structure.*

2. The planned development will not substantially injure or damage the use, value and enjoyment of surrounding property nor hinder or prevent the development of surrounding property in accordance with the land use plan.

*Virtually all of the surrounding properties already are developed and it is not anticipated this modification will harm any of those properties. The application of the Planned Development District will do more to protect the use, value and enjoyment of the surrounding properties than a normal rezoning to some category that would accommodate the proposed uses.*

3. The site will be accessible from public roads that are adequate to carry the traffic that will be imposed upon them by the proposed development and the streets and driveways on the site of the proposed development will be adequate to serve the residents or occupants of the proposed development. Traffic control signals will be provided without expense to the City when the City Governing Body determines that such signals are required to prevent traffic hazards or congestion in adjacent streets.

*The existing streets are felt adequate to accommodate the traffic loads anticipated to be generated by the potential uses without modification, either by improvements or installation of other traffic control devices.*

4. The development will not impose an undue burden on public services and facilities, such as fire and police protection.

*It is felt the proposed uses will impose no burden on these public services.*

5. The entire tract or parcel of land to be occupied by the planned development shall be held in a single ownership, or if there are two (2) or more owners, the application for such planned development shall be filed jointly by all such owners.

*The intention is to create two lots; one for the single-family home and the other for the balance of the former nursing home facility. The entire property is under single ownership at the time of the application, but in time the single-family home will be separated from the balance of the property. The plat shows how this is all to take place.*

6. The development plan shall contain such proposed covenants, easements and other provisions relating to the bulk, location and density of residential buildings, non-residential uses and structures, and public facilities as are necessary for the welfare of the planned development and are not inconsistent with the best interests of the area. Such covenants, easements and other provisions, if part of the development plan as finally approved, may be modified, removed or released only with the consent of the City Governing Body after a public hearing before, and recommendations by, the Planning Commission as provided in Section 435.040 B(1) of this Chapter. All such covenants shall specifically provide for enforcement by the City in addition to the landowners within the development.

*There have been no restrictive covenants submitted with this application to date. There is a statement on the Development Plan indicating that common areas are being established, but there is no further documentation as to how that area will be maintained. Staff believes covenants should be prepared to address these areas before the final action by the City Commission occurs. Whether the MPC wishes to review these is up to the Commission. Staff still has not seen the restrictive covenants as of the date of this staff report.*

7. The Planning Commission may designate divisible geographic sections of the entire parcel to be developed as a unit, and shall, in such case, specify reasonable periods within which development of each such unit must be commenced. In the case of residential planned developments and general planned developments which contain residential buildings, the Planning Commission may permit in each unit deviations from the number of units per acre established for the entire planned development, provided such deviation shall be adjusted for in other sections of the development so that the number of dwelling units per acre authorized for the entire planned development is not affected. The period of time established for the completion of the entire development and the commencement date for each section thereof may be modified from time to time by the Planning

Commission upon the showing of good cause by the Developer, provided that in no case shall any extension of time exceed twelve (12) months. The developer shall provide and record easements, covenants, shall make such other arrangements, and shall furnish such performance bond, escrow deposit, or other financial guarantees as may be determined by the Planning Commission to be reasonably required to assure performance in accordance with the development plan and to protect the public interest in the event of abandonment of said plan before completion.

*Since this is a redevelopment of an existing facility, staff does not believe this step is relevant.*

8. The location and arrangement of structures, parking areas, walks, lighting and appurtenant facilities shall be compatible with the surrounding land uses, and any part of a planned development not used for structures, parking and loading areas, or access ways, shall be landscaped or otherwise improved.

*The Development Plan indicates that no physical changes will occur except with respect to exterior lighting. Staff recommends the Development Plan, or the supplemental documentation that should be provided, note the type and manner of exterior lighting to be installed. Since this is an established neighborhood it is appropriate to evaluate the manner in which the lighting will be placed in order to mitigate any potential conflicts. The site plan still needs to be modified to address the exterior lighting. Also, the applicant indicated a desire to use the portion of Lot 1 north of the alley on the east side as future parking for employees. The site plan should identify this use and note it will be built to City standards.*

9. When business or manufacturing structures or uses in a planned development district abut a residential district or residential buildings in the same development, screening shall be provided. In no event shall a business or manufacturing structure in a planned development district be located nearer than one hundred (100) feet to a residential building.

*There is no screening shown on the Development Plan. There is an existing stone wall on the west side of the building, but this provides no screening. There are residential uses at the northwest corner of the property and all along the east side of the property. However, these homes have existed with the Good Samaritan facility for years and, in all practicality, the general appearance and use of the property is changing little under this plan. Staff has no position on whether screening is necessary at this location and for this property.*

10. Notwithstanding any of the other provisions of this Chapter, when a shopping center is developed as a planned development district, such shopping center shall have five (5) off-street parking spaces for each one thousand (1,000) square feet of floor area in the structures located in the planned shopping center development. Such off-street parking facilities shall comply with the provisions of Chapter 420 of this Title.

N/A

11. The specifications for the width and surfacing of streets and highways, alleys, ways for public utilities, for curbs, gutters, sidewalks, street lights, public parks and playgrounds, school grounds, storm water drainage, water supply and distribution, sanitary sewers and sewage collection and treatment established in (Subdivision Regulations) Chapter 455 of the City as amended from time to time, may, within the limits hereinafter specified, be waived or modified by the Planning Commission where the Commission finds that such specifications are not required in the interests of the residents or occupants of the planned development and that the waiver or modification of such specifications would not be inconsistent with the interest of the entire City Planning Area. The City should set out:

- a. Any customary public service specifications and platting design controls which it will not modify or waive under any circumstances; and

*The only modification that will be addressed within the Development Plan will be changes to the setback requirements as a result of the division of land separating the single-family home and the balance of the property. Staff is taking the position the ultimate approval of the Development Plan will authorize those modifications as shown on the final plat. The revised Site Plan notes the setbacks for the uses, including the reduction of the rear yard setback for the single-family home.*

- b. In cases where it is willing to modify any specifications, the limits of such modifications. An example of the former might relate to sewer and water standards. Examples of the latter might be a total waiver of a requirement for sidewalks or a specified reduction in street widths.

*The minutes need to reflect the limits of the modifications of the setbacks being established, based on the documentation provided by Kaw Valley Engineering. See note above.*

12. Any modifications of the zoning or other regulations that would otherwise be applicable to the site are warranted by the design to the development plan, and the amenities incorporated in it, and are not inconsistent with the interest of the public generally.



*The only real "modification" to the Zoning is the limitations established by the stated permitted uses on the Development Plan. These are title "Potential Uses" and are listed in the lower right-hand corner of the Development Plan. Staff has some problems with the list, as follows:*

- a. Item number 3 is "masseuse", which by definition is a massage provided by a female only. It is unknown what is intended by this, but staff believes that "touch/therapeutic massage" is what is intended. If so, the Development Plan needs to be modified to so state.*
- b. Item number 4 is "beauty salon", which could be construed to be limited to female patrons only. Staff believes that "cosmetologist" is what is intended, which broadens to cover barber services as well. If so, the Development Plan needs to be modified to so state.*
- c. Items 5 "associate childcare", 9 "rent an office while your child plays center", 11 "sick child care", and 14 "childcare" all are essentially the same thing. Staff would prefer this be considered as a licensed "Child Care Center" as defined by the State of Kansas, which allows virtually all of these uses but allows the management of the operation within the confines of state law.*
- d. Item 7 is "climate controlled storage", which makes this the same as a mini-storage facility. Staff believes this is not consistent with the overall desire to minimize the impacts to the neighborhood. If the storage space is provided to the tenants, that is an acceptable accessory use and no designation is needed. If the intent is to make space available for anyone to lease, that is a different story. Staff is opposed to making this a storage facility for lease to outside users.*
- e. Items 12 "music lessons" and 24 "cooking classes" denotes conducting educational operations within the facility. Staff would prefer to not open this as any type of an "educational" facility, but if that is acceptable to the MPC, staff would recommend that very specific limitations to what can be done be specified.*
- f. Item 13 is "dining room for apartment dwellers, their guests, staff and locals", which is potentially too broad. By adding "...and locals" to the list makes this potentially a restaurant. It also precludes a "nonlocal" from being there, whatever that means. Staff believes it should be stated that there will be a "dining room" for food services to tenants, staff and their guests" is all that should be approved. The phrase "...their guests" should provide the breadth of use designation intended based on conversations with the applicant.*

- g. *Item 26 is “computer repair”, which denotes a retail-type operation that could be more intensive in terms of public usage than most other uses. Staff would recommend this be eliminated or at least more specifically clarified as to what is being proposed.*
- h. *Item 27 is “swimex”, which we have no idea as to its meaning. If this is intended to be a “water therapy” facility, staff is questioning whether the intention is to add a pool or water structure to the building. If this means something else, we wish clarification.*

*As noted at the beginning of this staff report, there are still some modifications that should be made to the listing of permitted uses to make this both more flexible over time and clearer as to the uses allowed.*

B. *Standards for Residential Planned Developments and General Planned Developments Containing Residential Buildings.*

- 1. Any development plan that does not propose to increase the number of dwelling units per acre that would otherwise be permitted on the property under the zoning regulations otherwise applicable thereto shall be prima facie qualified for preliminary approval insofar as residential density is concerned. A development plan may provide for a greater number of dwelling units per acre than would be permitted by the zoning regulations otherwise applicable to the site, but if the number of dwelling units per acre exceeds by more than ten percent (10%) that permitted by the zoning regulations otherwise applicable to the site, the developer has the burden to show that such excess will not have an undue and adverse impact on existing public facilities and on the reasonable enjoyment of neighboring property. The Planning Commission in determining the reasonableness of a proposed increase in the number of dwelling units per acre, shall recognize that increased density may be compensated for by additional private amenities and by increased efficiency in public services to be achieved by:
  - a. The amount, location and proposed use of common open space, and
  - b. The location, design and type of dwelling units.

The Planning Commission shall, in its determination, also consider that the physical characteristics of the site may make increased densities appropriate in the particular location.

*Since there is only one single-family home, this is not an issue.*

- 2. When common open space is provided in a development plan, the amount and location of such common open space shall be consistent with the declared function of the common open space as set forth in the application for a planned development district. The development plan shall include such provision for the

ownership and maintenance of the common open space as are reasonably necessary to ensure its continuity, care, conservation and maintenance, and to ensure that remedial measures will be available to the City if the common open space is permitted to deteriorate or is not maintained in a condition consistent with the best interest of the planned development or of the entire City Planning Area.

*As noted earlier, most of the land occupied by the former Good Samaritan facility that is not within the building is stated to be "common open space." The statement on the Development Plan says this space will be maintained by the applicant, but that should be conveyed within a Restrictive Covenant that carries the responsibility on to future owners and/or operators. This still needs to be addressed.*

3. When a planned development includes common open space, such common open space shall never be used for the construction of any structure nor shall such open space ever be computed as a part of the required minimum lot area, or any required yard, of any other structure. Adequate safeguards, including recorded covenants, shall be provided to prevent the subsequent development of, and the future construction of structures on, such open space.

*The Restrictive Covenants should address this issue in detail. This still needs to be done.*

4. The total ground area occupied by buildings and structures shall not exceed thirty-five percent (35%) of the total ground area of the planned development unless previous development in the neighborhood has a greater lot coverage, in which case the development plan may increase the lot coverage of buildings and structures to correspond with the bulk of the other structures in the neighborhood.

*The Development Plan states the total ground coverage is 26.64 percent, which is within the limitations of the Zoning Regulations.*

5. Non-residential uses of a religious, educational or recreational nature shall be designed or intended primarily for the use of the residents of the planned development.

*As noted in the statements above on the listed uses, there are some "educational" uses proposed and that staff is recommending these not be allowed. The Restrictive Covenants can address this issue with respect to the amenities within the project, depending upon the final position of the MPC. The plan still identifies "music lessons" as a use; but there is no clarification of a restriction to residents. That needs to be addressed.*

6. Non-residential uses of a business character shall be designed or intended to serve principally the residents of the planned development. No structure designed or intended to be used, in part or in whole, for business purposes shall be constructed prior to the construction of not less than thirty percent (30%) of the dwelling units proposed in the development plan.

*The proposed plans for this project do not fit cleanly within the apparent intent of this section, but staff recommends the Planned Development District be approved for this property with the specific understanding the business uses are intended to serve the community.*

7. Planned developments shall have yard setbacks which reflect the following considerations:
  - a. The character and intensity of adjacent development.
  - b. The size of yard setbacks provided by adjacent development.
  - c. The height and character of proposed structures within the planned development and the nature and intensity of their proposed use.
  - d. The desired character and density of the surrounding neighborhood.

*As noted above, the proposed replat of this property will reflect all the setback issues that need to be clarified, especially for the single-family home.*

#### **SECTION 435.040: PROCEDURE FOR SECURING APPROVAL OF A PLANNED DEVELOPMENT AND THE ESTABLISHMENT OF A PLANNED DEVELOPMENT DISTRICT**

##### **A. Preliminary Development Plan.**

1. A developer seeking the establishment of a planned development district shall prepare and submit to the Planning Commission a preliminary development plan for such planned development district.

*The submitted Development Plan serves as both the preliminary development plan and the final development plan. The final document will be prepared based on any modifications made during this approval process.*

2. The preliminary development plan shall contain the following documents and information:
  - a. A survey of the tract that is to be developed showing existing features of the property including streets, alleys, easements, utility lines, existing land use, general topography and physical features.

*Done.*

- b. A site plan showing the location and arrangement of all existing and proposed structures, the proposed traffic circulation pattern within the development, the areas to be developed for parking, the points of ingress and egress, including access streets where required, the relationship of abutting land uses and zoning districts, proposed lots and blocks, if any, and proposed public or common open space, if any, including parks, playgrounds, school sites, and recreational facilities.

*Done.*

- c. A preliminary plat of subdivision for which concurrent approval has been applied for pursuant to the applicable ordinance rules and regulations relating to subdivision approval. (See Chapter 455).

*This is going directly to a final plat for the replat of the property.*

- d. A statement of the anticipated residential density (when applicable), the proposed total gross floor area, and the percentage of the development which is to be occupied by structures.

*This is not necessary given the nature of the project.*

- e. Preliminary sketches of the proposed structures and landscaping; except that this requirement shall not apply to detached, single-family residences.

*All statements clarify the existing structures will not be changed.*

- f. When a planned development is to be constructed in stages or units, a schedule for the development of such stages or units shall be submitted. No such stage or unit shall have a residential density that exceeds by more than twenty percent (20%) the proposed residential density of the entire planned development. The above requirement may be waived upon sufficient assurances that the residential density will not be exceeded for the entire development upon completion of the planned development district.

When a planned development provides for common open space, the total area of common open space provided at any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire planned development as the stages or units completed or under development bear to the entire planned development.

*This is not applicable.*

- g. Evidence that the applicant has sufficient control over the tract to effectuate the proposed plan, including a statement of all the ownership and beneficial interests in the tract of land and the proposed development.

*This is done by the common ownership of the entire tract by the applicant.*

- h. When it deems it to be necessary, the Planning Commission may require a traffic survey setting out and analyzing the effect that the planned development will have upon traffic in the streets and thoroughfares adjacent to and in the vicinity of the proposed development.

*Staff does not believe this is necessary.*

- i. A statement showing the relationship of the planned development to the comprehensive plan and future land use map for the City.

*There is a statement on the face of the Development Plan that this is consistent with the Comprehensive Plan of 2007. Staff concurs.*

- j. In the case of general planned developments, a statement identifying the principal types of business and/or industrial uses that are to be included in the proposed development.

*This has been done and discussed above.*

- k. When a planned development includes provisions for common open space, or recreational facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or recreational facilities. If it is proposed that such open space be owned and/or maintained by any entity other than a governmental authority, copies of the proposed articles of incorporation and by-laws of such entity shall be submitted.

*This is the subject of an earlier comment and can be addressed in the Restrictive Covenants that have been requested by staff. This still needs to be done.*

- l. Copies of any restrictive covenants that are to be recorded with respect to property included in the planned development district.

*As previously stated, we have received nothing as of the date of this staff report. This still needs to be done.*

**Staff Recommendation:** Staff recommends the request of Kaw Valley Engineering, agent, on behalf of Justin Hoover, President, Hoover, Bachman & Associates, Inc., owner, to rezone property at 416 West Spruce from "RD" Duplex Residential to "PDD" Planned Development District for a mixed-use facility be recommended for approval subject to modifications to the Development Plan addressing the items noted above, including the preparation of Restrictive Covenants to be recorded against the property complying with the requirements of the Zoning Regulations.

**Suggested Motion:**

I move that Case No. Z-07-01-10, concerning the request of Kaw Valley Engineering, agent, on behalf of Justin Hoover, President, Hoover, Bachman & Associates, Inc., owner, to rezone property at 416 West Spruce from "RD" Duplex Residential to "PDD" Planned Development District for a mixed-use facility, as modified at this meeting, be recommended for approval by the City Commission based on the reasoning stated in the staff report and as presented at this public hearing.

**JUNCTION CITY/GEARY COUNTY  
METROPOLITAN PLANNING COMMISSION  
BOARD OF ZONING APPEALS**

**July 8, 2010  
7:00 p.m.**

**Members Present**

Brandon Dibben  
Maureen Gustafson  
John Moyer  
Mike Ryan  
Mike Steinfort

**Members Absent**

Ken Mortensen  
Rick Ziegler

**Staff**

David Yearout  
Jill Iwen

**1. CALL TO ORDER AND ROLL CALL**

Chairman Mike Steinfort called the meeting to order at 7:00 p.m. and noted a quorum present.

**2. APPROVAL OF MINUTES**

Commissioner Gustafson moved to approve the minutes of the June 10, 2010. Commissioner Moyer seconded the motion and it passed unanimously.

**3. OLD BUSINESS**

None.

**4. NEW BUSINESS**

**Item No. 1– Case No. TA 07-01-10 – Public Hearing on text amendment to the Junction City Subdivision Regulations concerning exemptions from platting and issuance of certain types of building permits.**

Chairman Steinfort called the public hearing to order on the consideration of the application initial by the Metropolitan Planning Commission to amend the Junction City Subdivision Regulations by adding a new exemption from the platting requirement and allowing certain improvements to unplatted properties within the City of Junction City.

Mr. Yearout reviewed the substance of proposed text amendment and pointed out the intent was to allow building permits to be allowed for certain improvements to existing improved properties within the City of Junction City that are on unplatted property without requiring a formal plat. If the land is unimproved and the owner wishes to build a home or other principal structure, the land will still be required to be platted before a building permit can be issued. This is a process that many other cities use for these types of properties.



Chairman Steinfort called for comments from the public. Hearing none, the public hearing was officially closed.

In response to a question from the MPC, Mr. Yearout confirmed this issue was originally identified because of a building permit for an addition to an existing home on McFarland and that, if the amendment is approved, that building permit will be allowed to move forward.

Mr. Yearout also noted the ordinance by the City Commission to complete the text change will have language addressing some other sections of the City Code concerning this issue, but the statutes require the MPC to hold the hearing and make recommendations on the portion that amend the Subdivision Regulations.

There being no further discussion, Commissioner Dibben moved to recommend approval of the text amendment to the Junction City Subdivision Regulations concerning exemption from platting for certain properties and the issuance of building permits. Commissioner Moyer seconded the motion and it carried unanimously.

**Item No. 2 - Case No. Z-07-01-10 – Public Hearing on request of Justin Hoover, President, Hoover, Bachman & Associates, Inc., to rezone property at 416 West Spruce, Junction City, Kansas, from “RD” to “PDD”.**

Chairman Steinfort called the public hearing to order on the request of Kaw Valley Engineering, agent, on behalf of Justin Hoover, President, Hoover Bachman & Associates, to rezone property at 416 West Spruce Street from “RD” Duplex Residential to “PDD” Planned Development District.

Mr. Yearout reviewed the staff report and noted that the challenge with this project is to provide an adequate mixture of uses designated within the Planned Development District and still retain enough flexibility to accommodate the changes being made to the property as a result of the closure of the Good Samaritan Center. In particular is the concern to accommodate the division of the land with the single-family home on Walnut away from the balance of the property. Mr. Yearout also noted the list of proposed uses and the changes noted in the staff report that need to be reviewed by the MPC in the final approval of the zoning change. Further, a Restrictive Covenant must be prepared which identifies the long-term commitment to maintenance of the common areas.

Mr. Yearout noted the proposed development plan showed the manner in which the overall modifications to the buildings will occur. In short, little change is proposed except for some removal of some structures that connect the single family home to the east wing of the housing complex that was Good Samaritan. The plan shows that the breezeway and the northern rooms are to be removed and a new wall constructed. Additionally, the single-family home is being sold separately from the balance of the property, which is being accomplished by the plat of this activity which will be addressed later in the meeting. Also, the intention is to draw the line between the single-family home and the balance of the operation in a manner which changes access to the alley that is on the east side of the property. Staff is questioning whether the land division should be shown differently in order to better afford access to the single-family home; especially for the utility services in that alley.

Mr. Justin Hoover, President of Hoover, Bachman & Associates, reviewed the overall development intentions for the facility. He indicated the listed uses on the development plan were prepared by his staff and that the modifications could be made. The intent was to provide as much flexibility as possible.

Mr. Hoover stated the location of the lot line shown on the site plan is where they wish to divide the property. The intent is to develop the land off the alley as parking for staff as the need arises. The necessary easements can be provided for the utilities.

Mr. Hoover stated the overall desire for the balance of the facility is to provide office space for various aspects of the business and to establish some "apartments" for seniors within the living quarters of the facility. It is not the intent to reestablish this as any type of a care home facility and that the residents would be provided a living arrangement that was more conducive to the social interaction between the residents, rather than any housing arrangement with some level of care provided. That would not preclude the potential the residents may be clients of the medical services offered within the facility, but that is not the purpose of the living quarters.

As for the list of uses, Mr. Hoover indicated he was willing to adjust the list in accordance with staff recommendations. As previously stated, the desire was to maintain as much flexibility as possible for both now and into the future.

Chairman Steinfert opened the hearing for other comments from the public. There were none. Chairman Steinfert closed the public hearing and called for questions or comments from the MPC.

Several members had specific questions regarding the ultimate uses and were interested in the adjustments to the list of uses on the development plan because that list is what will control the development, rather than just the Zoning Regulations. Mr. Hoover indicated they would work with the staff to adjust the list of uses in order to resolve any differences.

The MPC discussed the need to assure themselves the list was accurate before final approval was granted and the final development plan needs to reflect the actual development activity proposed since it will control all future development on the site.

Commissioner Moyer moved to continue consideration of Case No. Z-07-01-10 until the August meeting in order for the final development plan to be modified showing the actual construction, including the parking off the alley, and the revisions to the list of permitted uses. Commissioner Gustafson seconded the motion and it passed unanimously.

### **Item No. 3 - Case No. FP 07-01-10 – Final Plat of the Ziegler Planned Development District.**

Chairman Steinfert called to order the consideration of the final plat of the Ziegler Addition as submitted by Kaw Valley Engineering, agent, on behalf of Justin A. Hoover, President, Hoover, Bachman & Associates, Inc. for the approval of the plat of 416 West Spruce Street, Junction City, Kansas.

Mr. Yearout reviewed the staff report and noted the issues that had been identified in the discussion on the zoning case that was just heard. The primary issues on the plat are the need to resolve the location of the property line on the east side of the plat between the two lots and the placement of a utility easement from the alley on the east side to the lot serving the single-family home. Both Westar and the phone company provide service to the existing home from the alley and will need the line within an easement since the property will be in two ownerships. Mr. Yearout also noted the sewer line serving the existing single-family home will need to be identified and covered by an easement since the sanitary sewer main runs east/west in the alley.

Mr. Josh Junghans of Kaw Valley Engineering was present and acknowledged the comments from staff and that those issues would be addressed.

Mr. Justin Hoover, President of Hoover, Bachman & Associates, noted the desire to keep the lot line between the two lots as shown for the reasons stated earlier. He said he was not aware of where the sewer line is located from the single-family home, but that the necessary easements can be shown once that is known.

Commissioner Moyer moved to continue the consideration of Case No. FP-07-01-10, the final plat of the Ziegler Addition, to the August meeting in order for the corrections to be made to the final plat drawing. Commissioner Gustafson seconded the motion and it carried unanimously.

**Item No. 4 – Case No. SUP-07-01-10 – Public Hearing on request for a Special Use Permit to allow the construction of a communications tower at 4110 Shandy Lane, Geary County, Kansas.**

Chairman Steinfort called the public hearing to order on Case No. SUP-07-01-10, the application of Rick Goetz, Black & Veatch, agent, on behalf of New Cingular Wireless (AT&T), tower owner and lessee, and Gary and Joy Shandy, landowners, for a Special Use Permit to construct a communications tower at 4110 Shandy Lane, Geary County, Kansas. Commissioner Moyer noted for the record that he is a cousin of the landowner, but would continue to participate in this case as he felt there was no conflict.

Mr. Yearout reviewed the staff report and noted this request is for a 250-foot, self-support tower on the property owned by Gary and Joy Shandy just to the east of the City of Milford, and on the east side of US 77 Highway. Mr. Yearout noted there is an existing tower on this property that staff has been told was constructed for the cable television system serving Milford years ago, but this tower has been nearly abandoned, or at least its usage has been reduced considerably from what was there in the beginning. However, it has been determined by the engineers for AT & T the tower is neither fully capable of supporting the placement of the equipment needed for this cell site, nor does it provide sufficient height. That has resulted in the proposal to construct another tower.

Mr. Yearout reviewed the requirements of the regulations as adopted by the County Commission within the past year regarding these types of facilities and pointed out the issues that were not clearly covered within the submittals with the application. Mr. Yearout stated staff is recommending a recommendation of approval for the Special Use Permit subject to the modifications or submission of documents addressing the requirements of the Zoning Regulations.

Lori Hatfield, engineer with Black & Veatch, stated she was present to cover for Mr. Goetz, who was unavailable due to an assignment to a project out of state. Ms. Hatfield stated the applicant was aware of the issues addressed by staff and that all the documentation required by the County Zoning Regulations would be provided with the application for the building permit to construct the tower if the zoning is approved. She acknowledged the approvals from both the FAA and FCC had been obtained, subject to final approval by the local officials and that copies of that information would be provided. The FAA approval would include acknowledgement from the Army regarding this location in respect to its impact upon Fort Riley.

Chairman Steinfort opened the public hearing to questions or comments from the public. Hearing none, Chairman Steinfort closed the public hearing and called for further discussion or a motion from the Commission.

Commissioner Gustafson moved the MPC recommend the Board of County Commissioners approval a Special Use Permit for the property owned by Gary and Joy Shandy near Milford, as requested in Case No. SUP-07-01-10, in order for a 250-foot self-support communications tower to be constructed, subject to the conditions outlined in the staff report and based on the findings and reasoning provided in the staff report and as heard at this hearing. Commissioner Ryan seconded the motion and it carried unanimously.

## **RECESS AS METROPOLITAN PLANNING COMMISSION**

Commissioner Gustafson moved the Metropolitan Planning Commission recess and reconvene as the Board of Zoning Appeals. Commissioner Moyer seconded the motion and it carried unanimously.

## **CONVENE AS BOARD OF ZONING APPEALS**

### **1. OLD BUSINESS**

**Item No. 1 – Case No. BZACU-06-01-10 – Public Hearing on request for a Conditional Use Permit to allow the operation of a self-storage facility at 2721 Gateway Court, Junction City, Kansas.**

Chairman Steinfort called the continued public hearing to order on the application of Triangle Self Storage, owner, requesting a Conditional Use Permit to operate a self-storage facility at 2721 Gateway Court, Junction City, Kansas.

Mr. Yearout reviewed the information that had been received from the applicant and from Kansas Gas Service regarding the usage of the land within the 100-foot easement Kansas Gas Service has at the southern end of this property. In short, Kansas Gas Service has consented to the usage of the northern 25 feet of the easement on a limited basis for access, subject to not having this area paved. Mr. Yearout noted the waiver of the paving could only be done by the City Commission and staff recommends any approval be subject to the City Commission giving that approval.

Mr. Charles Woodard, representing Triangle Self Storage, stated his company had extensive discussions with Kansas Gas Service and the compromise for usage outlined by staff was correct and the manner in which his company wished to proceed.

Mr. Yearout stated the review of the site plan was showing that the paving of the balance of the property was not extended to the easement line, which was what had been stated previously to the Board of Zoning Appeals. He stated it was staff's opinion the entire area being utilized by Triangle Self Storage for access to the storage units should be paved except for the area within the gas line easement in accordance with the letter of consent from Kansas Gas Service.

Mr. Woodard acknowledged the site plan would be modified to reflect the paving of the areas in accordance with the staff recommendations.

Chairman Steinfort opened the public hearing for other comments from the public. Hearing none, the public hearing was closed and Chairman Steinfort called for questions or comments from the BZA.

Upon a question from the Board, Mr. Woodard acknowledged that if his company was not able to utilize the 25 feet within the gas line easement as proposed the project would not go forward. He further acknowledged that area will be limited for access only and that nothing can be stored in that area.

Commissioner Gustafson moved to approve Conditional Use Permit, Case No. BZACU-06-01-10, authorizing Triangle Self Storage to construct mini-storage facilities on property located at 2721 Gateway Court, subject to the site plan being modified to show that the paving shall extend to the easement line and that the use of the northern 25 feet of land within the Kansas Gas Service easement receive a waiver of paving by the City Commission of the City of Junction City. Commissioner Moyer seconded the motion and it carried unanimously.

**Item No. 2 – Case No. BZACU 06-02-10 – Public Hearing on request for a Conditional Use Permit to allow a Day Care Home at 109 Arapahoe Court, Junction City, KS.**

Chairman Steinfort call the continued public hearing to order on the application of Renee A. Taggart, owner, for a Conditional Use Permit to allow the operation of a Licensed Day Care Home for not more than 10 children at 109 Arapahoe Court, Junction City, Kansas.

Mr. Yearout noted staff had several conversations with various city and county officials, as well as representatives from Kansas Department of Health and Environment, concerning the changes to the child care laws being implemented as a result of the changes to statutes in this past legislative session. In short, there have been no definitive direction given as to what specifically will be done or whether there is still the latitude to make modifications at the local level to deal with the impacts. Mr. Yearout noted that not all communities have the number of day care operations like what exists in Junction City and Geary County; and not all communities manage how those day care operations are permitted.

Mr. Yearout stated staff is preparing a text amendment to all the local codes and regulations to establish a local category of licensed day care home which limits the number of children to 6 and that will be maintained as a permitted "home occupation" for usage. If the licensed day care home wishes to operate with up to 10 children, which is the upper limit under current state law, then a local zoning approval will still be necessary. Mr. Yearout stated he felt since the Army's program for the child care off post limits to 6 children, the City and County doing the same thing can be defended and will allow the majority of day care operations to continue without having to go through a zoning process for each one.

Mr. Yearout stated it was staff's recommendation to continue this application in order to finalize the amendments and that if those amendments are approved this application becomes moot.

Commissioner Gustafson moved to continue Case No. BZACU-06-02-10 be continued until the next meeting. Commissioner Dibben seconded the motion and it carried unanimously.

## **2. NEW BUSINESS**

### **Item No. 1 – Case No. AP-07-01-10 – Public Hearing on appeal of decision by the Junction City/Geary County Planning and Zoning Director.**

Chairman Steinfort called the public hearing to order the appeal of the decision by the Junction City/Geary County Planning and Zoning Director that the property located at 4718 Liberty Hall Road is being used as commercial property, filed by Deanna Munson, agent, for Munson Angus Farms - Black Horse Hitch, LLC.

Mr. Yearout reviewed for the Board of Zoning Appeals its responsibilities when an administrative appeal is made. The options available to the Board are as outlined in both the Geary County Zoning Regulations and Kansas State Statutes. In short, the Board can uphold the administrative decision, overturned the administrative decision, or do anything in between. The only note is that to overturn the administrative decision, a majority of the entire Board must be obtained, which means at least 4 votes are necessary. A simple majority of a quorum, or 3 votes, will not suffice.

Mr. Yearout reviewed the history of the issue at question. Munson Angus Farms – Black Horse Hitch, LLC, which has control of the single-family home at 4718 Liberty Hall Road, has allowed Lead Horse Technologies, a computer software development company that is still in a "start-up" stage and located in Junction City, to relocate its operations to the home at 4718 Liberty Hall Road. Mr. Yearout informed both Lead Horse Technologies and Munson Angus Farms – Black Horse Hitch, LLC, this action constituted conversion of the building from a residential use to a commercial use and that the property would have to be rezoned under the terms of the Geary County Zoning Regulations. Mr. Yearout stated he had an extensive discussion on this matter with Mr. and Mrs. Munson, who did not agree with the interpretation. A letter was sent to Mr. and Mrs. Munson on April 19, 2010, stated the decision and noting the option to appeal. Mr. and Mrs. Munson notified the office of the intent to appeal, which leads to this hearing.

Mr. Yearout stated the basis for the disagreement was the belief by Mr. and Mrs. Munson that the use of the building by Lead Horse Technologies constituted an "agricultural" operation because it was part of the overall "agritourism" business at the Munson Angus Farms – Black Horse Hitch, LLC, facility. Mr. Yearout stated he had researched every aspect of "agritourism" as envisioned with both Kansas law and how other operations exist and promote themselves, and could come to no rational connection between using a building for computer software development and agriculture. As such, the final decision was that the use is commercial and not agricultural. Under the terms of the Geary County Zoning Regulations, the only available action to make the use conform to the zoning is for the property to be rezoned. The most restrictive commercial zoning for this use is "CN" Neighborhood Commercial, which permits "business and professional offices." It is the opinion of the Zoning Administrator that this use must be zoned at least to this category to be in conformance with the Zoning Regulations.

Mrs. Deanna Munson addressed the Board and stated she was very confident the use of the building by Lead Horse Technologies was within the agritourism operation and that no commercial rezoning of the property was necessary. She also stated Lead Horse Technologies would only be at this location on a temporary basis because a new building is to be built within the Tom Neal Business Park in Junction City. Mrs. Munson also went on to state she believed that any use of any building on the farm should be considered as agricultural since it provided an income to the owners, which allowed them to remain on the farm. Further, she stated that once Lead Horse Technologies left, the intention is for her daughter's software company to locate an office in the same building.

John Armstrong, Chairman and CEO of Lead Horse Technologies, Inc., spoke to the benefit of his firm being located in this building. He stated Lead Horse Technologies is still in the "start-up" phase of its operations, but that product development has reached the point where it was expected to produce income in the very near future. The company still plans to occupy a building that will be built by the City of Junction City in the Tom Neal Business Park in the near future, which will mean they will leave this building. As such, it is considered a temporary situation.

Chuck Munson spoke to the desire to retain Lead Horse Technologies at this location in order to continue to showcase the ability to expand the agricultural operation as Munson Angus Farms. He echoed the comments from Deanna Munson that this was a "perfect fit" for the desire to find a use for the old farm home and still retain the agricultural heritage of the property. He stated the idea of operating a bed and breakfast has been discussed, but this is a much less intensive operation. As the landowners and managers, he stated they had no problem with this operation. He said the desire was to retain the agricultural zoning and not allow the area to become a "commercial" area; which is why he does not want to see the property zoned commercial.

Chairman Steinfort called for other comments from the public. Being none, the Chairman declared the public hearing closed and opened the meeting for questions or comments from the Board.

Chairman Steinfort stated he had questions for the applicants. He directed his first question to John Armstrong with Lead Horse Technologies, inquiring why the company moved? Mr. Armstrong stated it was to reduce the costs to the company.

Chairman Steinfort then asked Mr. Armstrong why the company had placed a sign on the property? Mr. Armstrong stated it was to provide identity for Lead Horse Technologies, which allows the company to attract “partners” for its continued effort to grow.

Chairman Steinfort then asked Mr. Armstrong why the company chose to locate in the dwelling at “Liberty Hall”, rather than in his own home? Mr. Armstrong stated the company needed a presence as a business and having the operation within his home was not conducive to business development.

Commissioner Gustafson asked Mr. Armstrong if, in his opinion, the operation of Lead Horse Technologies as a software development company was “agritourism?” Mr. Armstrong stated he believed it was because the business was connected to an agricultural pursuit.

Commissioner Gustafson asked Mrs. Munson if it is still the intent for her daughter’s software company to locate to this property? Mrs. Munson said yes.

Mrs. Munson then noted that electrical improvements had been made to “Liberty Hall” in order to accommodate Lead Horse Technologies because the electrical demands were greater than what was needed for the residence.

Ramie Leibnitz, President of Lead Horse Technologies, stated the company was committed to the Junction City community and was only trying to position itself in order to grow. It Lead Horse Technologies wants to grow, which will promote additional growth within the community.

Several members of the Board of Zoning Appeals stated they were supportive of Lead Horse Technologies as a company and wished to do what can be done to assist in the success of the company. Likewise, there was support of the efforts of Munson Angus Farms – Black Horse Hitch, LLC, to promote the agricultural activities and the agritourism aspect of that business. However, there was a strong feeling among the members that the use of the “Liberty Hall” building as the location for Lead Horse Technologies was not an agricultural pursuit.

Mrs. Munson indicated the desire from the beginning was to avoid having the property zoned for commercial uses because they do not wish to set a precedent for the area for that type of activity.

Mr. Yearout noted the original discussion with the Munson’s had included the potential of seeking an amendment to the Zoning Regulations to deal with these types of development as either a Conditional Use Permit or a Special Use Permit, which would allow the underlying zoning of Agriculture to remain. At that time the Munson’s stated they were not interested in that option because of their insistence the use of the “Liberty Hall” structure by Lead Horse Technologies is an “agritourism” and agricultural use. That is why an appeal of the original decision was taken.

Mr. Yearout was asked by the Board whether that course of action was still an option. Mr. Yearout stated it was, but the motion to start the public hearing process would have to be made as the Metropolitan Planning Commission and not by the Board of Zoning Appeals.



Commissioner Ryan moved to continue Case No. AP-07-01-10, the request filed by Deanna Munson, agent, for Munson Angus Farms - Black Horse Hitch, LLC, appealing the decision of the Zoning Administrator concerning the use of the property at 4718 Liberty Hall Road, until the next meeting. The motion was seconded by Commissioner Gustafson and it passed unanimously.

**Item No. 2 – Case No. BZACU-07-01-10 – Public Hearing on request for a Conditional Use Permit to allow the operation of a concrete batch plant.**

Chairman Steinfort opened the public hearing on the application of Matt Eichman, agent for Midwest Concrete Materials, requesting a Conditional Use Permit to operate a concrete batch plant on property just north of Junction City on the northeast side of Highway 57.

Mr. Yearout reviewed the staff report and stated the applicant had acquired a tract of land just off Highway 57 north of Junction City and was requesting authorization to establish a concrete batch plant. There already was a plant in the area and this would add a second operator. There were no objections to this from surrounding property owners and the facility would use the existing entrance to the Highway, which meant there would be no real changes to the traffic patterns.

Mr. Matt Eichman spoke on behalf of Midwest Concrete Materials and stated the intention is to move a batch plant to this site in order to better serve the operations at Fort Riley. This would be a site enabling Midwest Concrete Materials to enhance its ability to serve the area as well. Mr. Eichman indicated he was in agreement with all the comments in the staff report.

Having no further questions of the applicant or staff from the Board, Chairman Steinfort opened the public hearing for comments or questions from the public. Hearing none, Chairman Steinfort closed the public hearing and asked for comments or a motion from the Board.

Commissioner Moyer moved to approve the Case No. BZACU-07-01-10, the application of Matt Eichman, agent for Midwest Concrete Materials, requesting a Conditional Use Permit to operate a concrete batch plant on property just north of Junction City on the northeast side of Highway 57. Commissioner Ryan seconded the motion and it carried unanimously.

**Item No. 3 – Case No. BZAV 07-01-10 – Public Hearing on request for a Variance in the side building setback requirements at 404 West 13th Street, Junction City, Kansas.**

Chairman Steinfort opened the public hearing on the application of Daniel Pfizenmaier, Director, Self-Help Housing, and agent for Jacqueline M. Mintz, owner, requesting a variance to decrease the side building setback requirements for the property located at 404 West 13th Street, Junction City, Kansas.

Mr. Yearout reviewed the staff report and it was noted the property address for the property was on 13<sup>th</sup> Street, which is how the legal notice identified the case. The agenda and staff report stated 14<sup>th</sup> Street, which is wrong.

Mr. Yearout stated this lot is too large to qualify for relief under the provisions of the Zoning Regulations because it has more than the minimum of 50 feet of frontage. As such, a variance was necessary to allow a home to be built on the property. The property is being acquired under the Self Help Housing program and in order for a home to be constructed on the lot the side yard setbacks were necessary. Mr. Yearout noted several other properties within the City had received this type of relief because of the stated requirements of the Zoning Regulations in the City which imposed a full front yard setback of 25 feet along every street frontage. If imposed here, the lot would be virtually unbuildable. Staff is recommending approval of the variance as requested, which would provide a setback of 10.8 feet along the street side yard frontage and in interior side yard setback of 5 feet.

Daniel Pfizenmaier, Director of Self Help Housing and the agent for this request, noted the information provided by the staff was correct. Other variances of a similar nature had been granted and this would be consistent with those requests.

Chairman Steinfort opened the public hearing for comments from the public.

Kenneth Poe, 414 West 13<sup>th</sup> Street, stated he owned the vacant lot between his home and this property. He was concerned with the setback and whether it would encroach onto his property or harm his fence.

Both Mr. Yearout and Mr. Pfizenmaier responded there would continue to be a setback of 5 feet from his property line, so his fence would not be harmed. Mr. Pfizenmaier noted he was happy to finally talk to that property owner and provided information on how to contact him during the construction phase. Mr. Poe indicated he was happy with the information.

Chairman Steinfort asked for other comments from the public. Hearing none the public hearing was declared closed and Chairman Steinfort asked for comments or a motion from the Board.

Commissioner Gustafson moved to approve the variance as requested by Daniel Pfizenmaier, Director, Self-Help Housing, and agent for Jacqueline M. Mintz, owner, requesting a variance to decrease the side building setback requirements for the property located at 404 West 13th Street, Junction City, Kansas; granting the relief as requested in the application. Commissioner Moyer seconded the motion and it carried unanimously.

## **ADJOURN AS BOARD OF ZONING APPEALS**

Commissioner Dibben moved the Board of Zoning Appeals adjourn and reconvene as the Metropolitan Planning Commission. Commissioner Moyer seconded the motion and it carried unanimously.

## RECONVENE AS METROPOLITAN PLANNING COMMISSION

### 5. GENERAL DISCUSSION

Several Commission members requested confirmation again regarding the process to set a public hearing to consider a text amendment to the County Zoning Regulations in order to address the issue under the appeal by the Munson's. Mr. Yearout noted a motion by the Commission was necessary to call a public hearing and it should indicate the nature of the change.

Following general discussion, Commissioner Gustafson moved to set a public hearing for the August meeting to consider a text amendment to the Geary County Zoning Regulations establishing a Special Use Permit process for the establishment of a commercial office operation in an Agricultural district. Commissioner Moyer seconded the motion and it carried unanimously.

Several members of the Metropolitan Planning Commission noted they would be unavailable at the time of the next regularly scheduled MPC meeting because of vacations. It was suggested that the August meeting be moved to the third Thursday and the scheduled work session on the update to the County Zoning Regulations be cancelled for August. Commissioner Gustafson moved to change the August meeting to August 19. The motion was seconded by Commissioner Dibben and it passed unanimously.

Mr. Yearout reminded the Metropolitan Planning Commission of the Work Session on the update to the Geary County Zoning and Subdivision Regulations next week.

### 6. ADJOURNMENT

Commissioner Moyer moved to adjourn at 9:55 p.m. Commissioner Ryan seconded the motion and it carried unanimously.

**PASSED AND APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2010.**

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**Mike Steinfert, Chairman**

**ATTEST:**

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**David L. Yearout, AICP, Secretary**

**JUNCTION CITY/GEARY COUNTY  
METROPOLITAN PLANNING COMMISSION  
BOARD OF ZONING APPEALS**

**August 19, 2010  
7:00 p.m.**

**Members Present**

Brandon Dibben  
Maureen Gustafson  
Ken Mortensen  
Mike Ryan  
Mike Steinfort  
Rick Ziegler

**Members Absent**

John Moyer

**Staff**

David Yearout  
Shari Lenhart

**1. CALL TO ORDER AND ROLL CALL**

Chairman Mike Steinfort called the meeting to order at 7:00 p.m and noted a quorum present.

**2. APPROVAL OF MINUTES**

Commissioner Gustafson moved to approve the minutes of the July 8, 2010, meeting as written. Commissioner Ryan seconded the motion and it passed unanimously.

**3. ELECTION OF OFFICERS**

Chairman Steinfort opened the floor for nominations for Chairman for this term. Commissioner Gustafson moved to retain the slate of officers for the Metropolitan Planning Commission as it exists, with Mike Steinfort, Chairman, Maureen Gustafson, Vice-Chairman, and David Yearout, Secretary. Commissioner Ziegler seconded the motion and it passed unanimously.

**4. OLD BUSINESS**

**Item No. 1 – Case No. Z-07-01-10 – Public Hearing on request of Justin Hoover, President, Hoover, Bachman & Associates, Inc., to rezone property at 416 West Spruce, Junction City, Kansas, from “RD” to “PDD”.**

Chairman Steinfort called the reconvened public hearing to order on the request of Kaw Valley Engineering, agent, on behalf of Justin Hoover, President, Hoover, Bachman & Associates, owner, to rezone property at 416 West Spruce from “RD” Duplex Residential to “PDD” Planned Development District. It was noted that Mr. Justin Hoover and Mr. Leon Osbourn were present.

Mr. Yearout noted that a copy of the revised site plan was made available for review at this meeting by Mr. Osbourn. He indicated the plan has incorporated suggested changes requested by the Commissioners at the last meeting. The list of proposed uses has been cleaned up better; however, some additional modifications could be made that would allow more flexibility and provide easier administrative overview as uses might change in the future. Mr. Yearout noted the proposed exterior lighting still needs to be addressed in the documentation for the development. Mr. Yearout said a video was taken of the sanitary sewers under this property which showed the service line from the single-family home under the east wing of the facility. The plan is to abandon that line during the time of renovation and connect the home to the sewer main in the alley to the east of the property in an easement provided for utility services.

Mr. Yearout stated staff still had not seen restrictive covenants for the property. The Zoning Regulations require the covenants to address maintenance of common areas and other joint amenities being provided and the covenants will need to do that.

Mr. Yearout stated that, irrespective of these issues, staff believes all the relevant issues have been addressed or will be accounted for in the balance of the documents to be submitted. As such, staff is recommending approval to move this project forward, recognizing the replat approval will also address certain issues of concern.

Commissioner Ziegler asked if everything has been taken care of in the rezoning. Mr. Yearout stated he believed it has been. Mr. Yearout noted there needs to be a separate document for the covenants, but everything else has been addressed that has been talked about.

Chairman Steinfort asked if there was anyone present wishing to speak on this application.

Mr. Leon Osbourn, Kaw Valley Engineering, stated that all of the Commissioners requests have been incorporated into the final development plans. Exterior lighting will be submitted to the City prior to installation. They will make sure that the light will not bleed onto the neighbors; the foot-candle requirements will be met. The issue of the common open space will be taken care of the Restrictive Covenants. He stated they have shown how the sewer can be rerouted, including the calculation of a general slope of 1-2% for the service line from the house, which is more than adequate for a new sewer line.

There being no more comments, Chairman Steinfort closed the public hearing and opened the discussion to the Commission for questions or a motion.

Commissioner Gustafson moved to recommend to the City Commission that the rezoning request for the property at 416 West Spruce, Junction City, Kansas, from "RD" Residential Duplex to "PDD" Planned Development District be approved for a mixed-use facility, as modified, based on reasons stated in the staff report and information presented at the public hearings, and subject to submission of the restrictive covenants addressing the issues identified at the meetings and in the staff reports. Commissioner Mortensen seconded the motion and it carried unanimously.

**Item No. 2 – Case No. FP 07-01-10 – Final Plat of the Ziegler Planned Development District.**

Chairman Steinfort opened the floor for consideration of the Final Plat of the Ziegler Addition.

Mr. Yearout stated that the revised final plat submitted by the applicant shows the 20-foot utility easement between from the alley on the east side of the property to Lot 2 that was requested by Westar for access to the single family residence. This is also the easement to be used to install the new sanitary sewer service line from the house to the sewer main in the alley. Mr. Yearout also noted the proper acknowledgement of the book and page recording of the vacation of the alley is properly shown on the plat. Staff is recommending the final plat be approved.

Chairman Steinfort asked if there was anyone present wishing to address this application. There were no appearances. There being no questions or discussion, Chairman Steinfort asked for a motion.

Commissioner Ryan moved to recommend that Case No. FP-07-01-10, application of Kaw Valley Engineering, agent; on behalf of Justin Hoover, President; Hoover, Bachman & Associates, Inc., owner; for approval of the Ziegler Addition, a replat of the property at 416 West Spruce, Junction City, Kansas, be approved, subject to all corrections recommended by the City Engineer; and the Chairman and Secretary be authorized to sign the plat and forward it to the City Commission for final approval. Commissioner Ziegler seconded the motion and it carried unanimously.

**5. NEW BUSINESS**

**Item No. 1 – Case No. TA 08-01-10 – Public Hearing on text amendment to the Geary County Zoning Regulations concerning zoning action required for commercial office uses within the unincorporated portion of Geary County.**

Chairman Steinfort called the public hearing to order on the proposed text amendment to the Geary County Zoning Regulations.

Mr. Yearout briefly reviewed the history of issued that resulted in this case. The matter arose from the appeal being considered concerning the determination that commercial zoning is the only recourse to establish a commercial office use in the agricultural areas in the County. At the direction of the MPC, staff has drafted proposed text amendments to the Geary County Zoning Regulations to allow business and professional offices, which will include technical development businesses, as a Special Use Permit in the Agricultural District, rather than require the change in zoning to a commercial district. The suggested text changes are completely outlined in the staff report. Mr. Yearout noted staff had concluded the Special Use Permit procedure, as currently used in the Geary County Zoning Regulations, was the best approach to an action that results in a change in land use, rather than rely on the Conditional Use Permit that is considered only by the Board of Zoning Appeals.

Chairman Steinfort opened the public hearing for discussion from the public. Hearing none, discussion among the MPC members ensued on the pros and cons of expanding this text change to all commercial and industrial uses in the current Geary County Zoning Regulations. Mr. Yearout noted staff had published so that this change could include a broader range or all of the commercial and industrial uses, but staff believed it was better to address those changes in the rewrite of the entire County Zoning Regulations now being prepared by the MPC. It was the consensus of the Commissioners to just deal with this particular issue now.

There being no further discussion Chairman Steinfort asked for a motion. Commissioner Mortensen moved that the proposed amendments to the Geary County Zoning Regulations concerning adding business and professional offices by Special Use Permit only in the Agricultural District within the unincorporated portion of Geary County be recommended for adoption by the Board of County Commissioners of Geary County. Commissioner Ziegler seconded the motion and it carried unanimously.

## **RECESS AS METROPOLITAN PLANNING COMMISSION**

Commissioner Ryan moved to recess as the Metropolitan Planning Commission and convene as the Board of Zoning Appeals. Commissioner Ziegler seconded the motion and it carried unanimously.

## **CONVENE AS BOARD OF ZONING APPEALS**

### **1. ELECTION OF OFFICERS**

Chairman Steinfort opened the floor for nominations for officers for the Board of Zoning Appeals. Commissioner Gustafson moved to retain the current slate of officers, namely Mike Steinfort, Chairman, Maureen Gustafson, Vice-Chairman, and David Yearout, Secretary. Commissioner Ryan seconded the motion and it carried unanimously.

### **2. OLD BUSINESS**

**Item No. 1 – Case No. BZACU 06-02-10 – Public Hearing on request for a Conditional Use Permit to allow a Day Care Home at 109 Arapahoe Court, Junction City, Kansas.**

Chairman Steinfort called the continued public hearing to order on the application of Renee A. Taggart, owner, for a Conditional Use Permit to allow the operation of a Licensed Day Care Home for not more than 10 children at 109 Arapahoe Court, Junction City, Kansas.

Mr. Yearout stated that if the proposed amendments to the zoning ordinance relating to day cares is approved, this application will be moot. That item is scheduled to be considered at the end of this meeting. He recommended the public hearing be continued to at least October 14, 2010, since that is the earliest a public hearing on the text amendments can be held. There were no other appearances on this matter.

Commissioner Gustafson moved to continue the public hearing on this case to the October 14th meeting. Commissioner Ryan seconded the motion and it carried unanimously.

**Item No. 2 – Case No. BZAAP-07-01-10 – Public Hearing on appeal of decision by the Junction City/Geary County Planning and Zoning Director.**

Chairman Steinfort reconvened the public hearing on the appeal of the decision by the Zoning Administrator concerning the property located at 4718 Liberty Hall Road that said property is being used as commercial property, filed by Deanna Munson, agent, for Munson Angus Farms - Black Horse Hitch, LLC.

Mr. Yearout stated he believed the case should be acted upon in order to close the file. In essence, there are three alternatives before the Board on this matter. It may choose to deny the appeal and uphold the decision of the Zoning Administrator. It may choose to overturn the decision of the Zoning Administrator and allow the use to continue under the Agricultural Zoning designation. Or it may continue the matter until the text amendment is finalized by the County Commission and an application for a Special Use Permit would be granted, assuming that is what happens. Mr. Yearout stated he still believes the decision under the current language of the Geary County Zoning Regulations is correct and the proposed amendment is the best method to deal with this type of development.

Mr. Yearout provided a review of the time frame to complete the text amendment and stated the earliest a public hearing could be scheduled for a Special Use Permit would be at the October 14th meeting.

Chairman Steinfort asked if there was anyone present wishing to speak on this application.

Deanna Munson, 4820 Liberty Hall Road, indicated that rezoning the property definitely was not an option in her opinion. The area needs to remain zoned as agricultural. They are agreeable to applying for a Special Use Permit when that option is available.

John Armstrong, 2703 Valley Drive, thanked the board for addressing their concerns and also hopes the text amendment will be approved by the County Commission. He agreed that the Special Use Permit appropriately addressed the issue.

There being no further appearances, Chairman Steinfort closed the public hearing and asked if there were any further questions or comments from the Board. There being none, he asked for a motion.

Commissioner Gustafson moved that Case No. BZAAP 07-01-10, the request of Chuck and Deanna Munson, agents for Munson Angus Farms-Black Horse Hitch, LLC, and Michelle Munson, owners, appealing the decision of the Zoning Administrator concerning the use of the home at 4718 Liberty Hall Road by Lead Horse Technologies as its main business office, be denied based on the findings outlined in the staff report and as presented at the public hearing. Commissioner Dibben seconded the motion.



Commissioner Gustafson stated she wished to convey this was neither a reflection of error on the part of Lead Horse Technologies, nor on Munson Angus Farms; but she felt the use in question was clearly a commercial activity that required the rezoning under the current Zoning Regulations. As such, the decision of the Zoning Administrator to require the rezoning was the only choice that could be made. There was no factual basis for a determination that use could be found as a permitted use in the Agricultural District or as an agricultural use.

Thereupon, the Board passed the motion unanimously.

### **3. NEW BUSINESS**

#### **Item No. 1 – Case No. BZACU -08-01-10 – Public Hearing on request for a Conditional Use Permit to allow the operation of a concrete batch plant.**

Chairman Steinfort called the public hearing to order on the request of Jon Penny, agent, for Penny Concrete, Inc., for a conditional use permit to operate a concrete batch plant.

Mr. Yearout informed the Board that the applicant has requested a continuance to the next meeting in order to more fully prepare the site plan for the proposed facility.

Commissioner Gustafson moved to continue this case to the September, 2010, meeting as requested by the applicant. Commissioner Ryan seconded the motion and it carried unanimously.

### **ADJOURN AS BOARD OF ZONING APPEALS**

Commissioner Mortensen moved to adjourn as the Board of Zoning Appeals and reconvene as the Metropolitan Planning Commission. Commissioner Dibben seconded the motion and it carried unanimously.

### **RECONVENE AS METROPOLITAN PLANNING COMMISSION**

### **6. GENERAL DISCUSSION**

#### **Item No. 1 – Set public hearing for amendments for Day Care Homes.**

Mr. Yearout stated the history of the need for the text amendments has been heavily discussed by the MPC. A motion must be made to set the public hearing, which can not happen earlier than the October meeting because of the timing for publications. All the issues associated with the text amendments have been researched with attorneys for both the City and County and staff is recommending to move forward. That actual text will be made available, which will be modifications to the language acted upon earlier this year.

Commissioner Mortensen moved to schedule a public hearing regarding amendments to the Zoning Regulations for both the City and County dealing with changes for Day Care Homes for the October, 2010, meeting. Commissioner Gustafson seconded the motion and it carried unanimously.

**7. ADJOURNMENT**

Commissioner Gustafson moved to adjourn at 7:58 p.m. Commissioner Mortensen seconded the motion and it carried unanimously.

**PASSED AND APPROVED THIS \_\_\_\_\_ day of September, 2010.**

\_\_\_\_\_  
**Mike Steinfert, Chairman**

**ATTEST:**

\_\_\_\_\_  
**David L. Yearout, AICP, Secretary**





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# City of Junction City

## City Commission

### Agenda Memo

September 28, 2010

**From:** David L. Yearout, AICP, Director of Planning and Zoning

**To:** City Commission & Gerry Vernon, City Manager

**Subject:** Case No. Z-09-01-10 – Request to rezone the property at the northwest corner of Webster Street and Pine Street from “RG” General Residential to “RD” Duplex Residential – (S-3087)

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**Issue:** Consideration of request to rezone the property at the northwest corner of Webster Street and Pine Street from “RG” General Residential to “RD” Duplex Residential filed by Larry Johnson, agent, on behalf of Sherree Hemmingway, owner..

**Explanation of Issue:** The Metropolitan Planning Commission held a public hearing on September 9, 2010, to consider the petition of Larry Johnson, agent, on behalf of Sherree Hemmingway, owner, to rezone the property at the northwest corner of Webster Street and Pine Street from “RG” General Residential to “RD” Duplex Residential. The purpose of the rezoning is to allow the development of the property for duplexes. Staff recommended denial. By vote of 5 to 1, the MPC has recommended the rezoning be denied. Copies of the staff report and the minutes of the MPC meeting are attached.

**Alternatives:** In accordance with K.S.A. 12-757, the City Commission has the following alternatives for a rezoning application on first appearance:

1. To accept the recommendation of the MPC and approve the Ordinance, thereby denying the rezoning of the property.
2. Overturn the recommendation of the Planning Commission by a 2/3 majority vote and approve an Ordinance as so modified, thereby rezoning the property.
3. Return the recommendation to the Planning Commission for further consideration, specifying the items, concerns or issues with said recommendation.

**Staff Recommendation:** Accept the recommendation of the MPC and approve the Ordinance, thereby denying the rezoning of the property.

**Suggested Motion:**

Commissioner \_\_\_\_\_ moved that the recommendation of the Planning Commission be accepted and that Ordinance No. S-3087, an ordinance denying the rezoning of the property at the northwest corner of Webster Street and Pine Street, more particularly described as Lots 13, 14, 15, 16, 17 and 18, Block 3; Sheridan Heights Recapitulation Plat to Junction City, Geary County, Kansas, from "RG" General Residential to :RD" Duplex Residential be approved on first reading..

Commissioner \_\_\_\_\_ seconded the motion.

**Enclosures:**

MPC Minutes of September 9, 2010  
Staff Report  
Ordinance S-3087

ORDINANCE NO. S-3087

AN ORDINANCE RELATING TO PROPERTY LOCATED AT THE NORTHWEST CORNER OF WEBSTER STREET AND PINE STREET AND MORE PARTICULARLY DESCRIBED AS LOTS 13, 14, 15, 16, 17 AND 18, BLOCK 3; SHERIDAN HEIGHTS RECAPITULATION PLAT TO JUNCTION CITY, GEARY COUNTY, KANSAS, DENYING THE REZONING OF SAID PROPERTY FROM GENERAL RESIDENTIAL (RG) DISTRICT TO DUPLEX RESIDENTIAL (RD), ALL WITHIN THE CORPORATE LIMITS OF THE CITY OF JUNCTION CITY, KANSAS.

WHEREAS, the Metropolitan Planning Commission of Junction City and Geary County, after proper notice and public hearing as required by law, has held a public hearing and recommended denial of a rezoning of certain property within the City of Junction City, Kansas;

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF JUNCTION CITY, KANSAS:

Section 1. That the application requesting the rezoning from "RG" General Residential District to "RD" Duplex Residential District of certain property situated within the City of Junction City, Geary County, Kansas, and described as follows:

DESCRIPTION:

LOTS 13, 14, 15, 16, 17 AND 18, BLOCK 3; SHERIDAN HEIGHTS RECAPITULATION PLAT TO JUNCTION CITY, GEARY COUNTY, KANSAS.

Be, and the same is, hereby ordered denied as provided in K.S.A. 12-757, based on the recommendation of the Metropolitan Planning Commission.

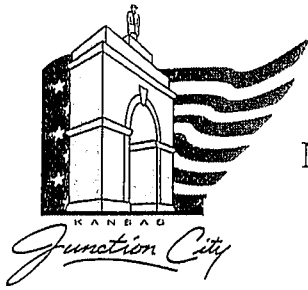
Section 2. This Ordinance shall be in full force and effect from and after its publication once in the Junction City Daily Union.

PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2010.

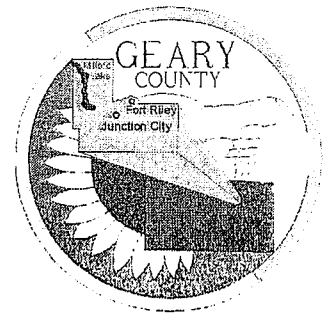
\_\_\_\_\_  
MICHAEL RHODES, MAYOR

ATTEST:

\_\_\_\_\_  
TYLER FICKEN, CITY CLERK



**JUNCTION CITY/GEARY COUNTY  
METROPOLITAN PLANNING COMMISSION  
BOARD OF ZONING APPEALS**



**STAFF REPORT**

September 2, 2010

**TO:** Metropolitan Planning Commission / Board of Zoning Appeals

**FM:** David L. Yearout, AICP, Director of Planning and Zoning

**SUBJECT:** Z-09-01-10 – Request to rezone the property at the northwest corner of Webster Street and Pine Street from “RG” General Residential to “RD” Duplex Residential.

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This is the request of Larry Johnson, Cornerstone Realty, LLC, agent, for Sheree L. Hemmingway, owner, to rezone the property at the northwest corner of Webster Street and Pine Street from “RG” General Residential to “RD” Duplex Residential. The is vacant land that appears to have never been developed. It was included in the Sheridan Heights plat approval process that records show was completed in 1950.

According to information obtained by staff, this property was a part of the old “sand pit” area that was a source of sand in the community for decades and remained that way until the Hidden Valley development was approved in 2006. That project included the extension of Clay Street south of Pine Street and had major storm sewer improvements made in order for the area to be developed.

This request is to allow duplexes to be built on some of the lots on this land. Staff has had numerous discussions with more than one group regarding this area and its potential for development. All of those discussions have included the idea of duplexes, but the manner in which those would be built in the area is what constitutes the challenge for this property. There is major sewer and storm sewer lines that cross the frontage of this property on both Pine Street and on parts of Webster Street which are going to be challenges to how the infill development would occur.

Staff has recommended a “PDD” Planned Development District approach to every party that has inquired about this property in order to manage the manner in which the structures would be placed in relationship to the infrastructure. Staff still believes that approach would provide the greatest flexibility to the landowner to redesign the lots and provide the necessary relief on setbacks and other site-related issues to provide the opportunity to develop the land; and it would also provide the City the ability to properly manage the redesign.

The other reason staff has recommended using the “PDD” Planned Development District is because the entire neighborhood in this portion of the City is virtually single-family homes. The



closest multiple-family use is the Planned Development District being established for the former Good Samaritan Center. Otherwise, staff can only find single-family homes in the area, including the new home in the Hidden Valley Addition on Clay Street.

The applicant has chosen to seek a simple "RD" Duplex Residential zoning change in order to allow the duplexes to be built. This request has no requirement to provide any design or site plans that could be used to evaluate how development is proposed to occur. As a result, the only alternative to the City is to assume all the lots will be converted to duplexes in a manner that would meet the minimum requirements of that zoning district.

Doing that, staff believes developing this area without the oversight of a Planned Development District would be more harmful to the neighborhood than helpful to the community as a whole. While it is true there is benefit to have the vacant land developed; there is still the ability to develop single-family homes. The fact the homes were built and are being sold on Clay Street provides sufficient proof there is a market for single-family homes in this portion of the City.

There appears to be sufficient infrastructure to support a rezoning to "RD" Duplex Residential, so it is not a lack of capacity to support the higher density development. It is simply the manner in which the potential to develop this land is being proposed that staff believes is not in the best interests of the City.

**Staff Recommendation:** Staff recommends the request of Larry Johnson, Cornerstone Realty, LLC, agent, for Sheree L. Hemmingway, owner, to rezone the property at the northwest corner of Webster Street and Pine Street from "RG" General Residential to "RD" Duplex Residential be recommended for denial because of the potential poor manner in which the land could be developed for duplexes without the oversight provided by the Planned Development District, especially when dealing with an infill development in an established neighborhood.

**Suggested Motion:**

I move that Case No. Z-09-01-10, concerning the request of Larry Johnson, Cornerstone Realty, LLC, agent, for Sheree L. Hemmingway, owner, to rezone the property at the northwest corner of Webster Street and Pine Street from "RG" General Residential to "RD" Duplex Residential be recommended for denial by the City Commission based on the reasoning stated in the staff report and as presented at this public hearing.

**JUNCTION CITY/GEARY COUNTY  
METROPOLITAN PLANNING COMMISSION  
BOARD OF ZONING APPEALS**

September 9, 2010  
7:00 P.M.

**Members Present**

Brandon Dibben  
Maureen Gustafson  
Ken Mortensen  
John Moyer  
Mike Ryan  
Mike Steinfort

**Members Absent**

Rick Ziegler

**Staff**

David Yearout  
Shari Lenhart

**1. CALL TO ORDER AND ROLL CALL**

Chairman Mike Steinfort called the meeting to order at 7:00 p.m. and noted a quorum present.

**2. APPROVAL OF MINUTES**

Commissioner Gustafson moved to approve the minutes of the August 19, 2010, meeting as written. Commissioner Ryan seconded the motion and it passed unanimously.

**3. OLD BUSINESS**

None.

**4. NEW BUSINESS**

**Item No. 1 – Case No. Z-09-01-10 – Public Hearing on request to rezone property at the northwest corner of Webster and Pine from “RG” General Residential to “RD” Duplex Residential District.**

Chairman Steinfort called the public hearing to order on the request of Larry Johnson, Cornerstone Realty, LLC, agent for Sheree L. Hemmingway, owner, to rezone the property at the northwest corner of Webster Street and Pine Street from “RG” General Residential to “RD” Duplex Residential.

Mr. Yearout stated the applicant is requesting a straight zoning change to “RD” Duplex Residential, which is similar to the zoning immediately to the east. In previous discussions with several people regarding this property, staff has recommended using the “PDD” Planned Development District in order to provide the greatest level of assurances that the infill development would be compatible with the surrounding neighborhood. Regardless of the other zoning in the area, the vast majority of dwellings are single-family. This rezoning allows duplexes.

He compared this proposal with the Good Samaritan development on 5<sup>th</sup> Street that came through the "PDD" Planned Development District rezoning in order to address the adjustments necessary for that project to move forward. Staff strongly believes that this property should be handled in the same manner in order to provide both the flexibility in the approval process and the higher degree of assurances to the neighbors of what specifically is being approved.

Mr. Yearout stated that If the rezoning is approved as requested, the only review by staff will be for the building permits. And because this will only be a duplex or a single-family home. And staff believes it is likely that variances will be necessary for the duplex development to fully work, based on information reviewed by staff to date. Mr. Yearout stated the "PDD" Planned Development District would allow those modifications to the setbacks and other development related issues in the proper manner. The use of the "variances" in the past is not the way to deal with these types of issues.

Mr. Yearout stated it is staff's recommendation to deny the proposed rezoning from "RG" General Residential to "RD" Duplex Residential because it would not be in the best interest of the City for the reasons stated in the staff report and at this public hearing.

Chairman Steinfort asked if there were any questions from the Commissioners for staff.

Commissioner Mortensen asked if the rezoning would just allow duplexes and that a "PDD" would allow the Commission to review layout design and construction proposals.

Mr. Yearout stated the "RD" zone would also allow single family. The "PDD" would allow for review of a proposed development. The current lot size is 50' x 140' which is not enough width for duplex development without reconfiguration of the lot lines and possible variances for setback requirements. The "PDD" allows the City to grant setback exceptions and address other development-related issues. Mr. Yearout noted the adjustments granted in the "PDD" for the Good Samaritan project.

Commissioner Ryan questioned whether there were storm sewers underneath any of the property and if development would impact the sewer and drainage issues.

Mr. Yearout stated that the storm sewer lines are along Pine and Webster and that proposes a potential problem for driveways. The overall drainage issues have been resolved because of the storm sewer improvements, but the integrity of the storm sewer improvements will need to be managed as development moves forward.

Commissioner Gustafson asked for clarification on the aerial, because it only indicated one large lot for this property and there has been discussion regarding reconfiguration of the lots.

Mr. Yearout stated the property is platted as six lots, all the 50' by 140' size. However, because the property is under one ownership the City's GIS map shows this as one lot.

There being no further questions of staff, Chairman Steinfort opened the hearing for comments or questions from the public.

Mr. Larry Johnson, representing the applicant, reviewed the reason for the rezoning request. He indicated they wished to have simple "RD" Duplex Residential zoning because that was consistent with the zoning to the east and the "PDD" process was too costly. The proposal is to build two units immediately and another more in the future as demand dictates. The PDD would require a development plan showing how the property would be developed and the applicant has not determined exactly what would be done beyond the first two duplexes.

Mr. Johnson indicated the duplexes would be under single ownership at this time but it is possible the units could be sold separately in the future. He stated the fire hydrant on Pine Street creates a problem for driveways, which will most likely result in variance requests. He noted the setback approved for the lots on Pine Street and Clay Street are only 20 feet and what is desired on this property is similar to that project. Mr. Johnson said the trees will be removed at the northwest corner of the property and some of the dirt will be used to help fill the low spots on the property to create pad sites for the duplexes. Mr. Johnson presented sample pictures of what the proposed duplexes could resemble.

Mr. Yearout noted that the Hidden Valley development that resulted in the reduced front yard setbacks was because of the platting of the property and not separate variances. There is no replatting of this property proposed or required by the current regulations based on the proposed development. Mr. Yearout further stated the fact that variances or other adjustments were going to be necessary was the primary reason for recommending this be processed as a Planned Development District, which allows all the adjustments that will be necessary.

Chairman Steinfort asked if there was anyone else wishing to speak on this application.

Martin Hemmingway, 506 W. Oak, stated he is the owner of the property, although it is titled in his wife's name. He stated they have owned the property for a number of years and just want to be able to develop the property. He stated he believes the rezoning to duplex development is the best avenue for this property. He was led to believe that a PDD rezoning was too expensive. He stressed that he had maintained the property, paid all his taxes, and did not want to develop anything that would harm the neighborhood or the community.

Abe Burke, 611 W. Pine, stated he lives in the area and he believed there are too many "what if's" regarding the proposed duplex zoning. Six lots could mean 12 duplexes, which could mean twelve families with children. He stated he was concerned with the development of rental property in the area since virtually all of the new homes are owner occupied. He stated he believed the rezoning for this type of use was not appropriate for the area.

Hugh Dill, 911 Sunrise Hill Drive, stated he was a partner in the project and was the general contractor. He believed the maximum number of duplexes for this site would probably be three. The other lots, if built upon at all, will most likely be single-family homes.

There being no more comments, Chairman Steinfort closed the public hearing and opened the discussion to the Commission for questions or a motion.

Several Commissioners engaged in comments and observations that this was a difficult project because the individuals involved are well known and their reputations show that what is proposed would most likely be built. However, it was acknowledged that there are no guarantees the project would move forward once rezoned and without the overall development plan control of the PDD there are no assurances how the property would be developed. In addition, there has been acknowledgement by the applicant that some variances or other adjustments would be needed for the project to proceed as planned and the Commissioners did not like feeling forced into granting those because of the rezoning.

Mr. Yearout stated all these reasons were the basis for the recommendation to deny this request and why staff had urged the application for the PDD.

There being no further discussion, Chairman Steinfert asked for a recommendation from the Commission.

Commissioner Mortensen moved to recommend to the City Commission that Case No. Z-09-01-10, concerning the request of Larry Johnson, Cornerstone Realty, LLC, agent for Sheree L. Hemmingway, owner, to rezone the property at the northwest corner of Webster Street and Pine Street from "RG" General Residential to "RD" Duplex Residential be recommended for denial based on the reasoning stated in the staff report and as presented at this public hearing. Commissioner Ryan seconded the motion. Commissioners Dibben, Mortensen, Moyer, Ryan and Steinfert voted aye. Commissioner Gustafson voted nay. Chairman Steinfert noted that the motion carried 5 to 1.

#### **Item No. 2 – Case No. FP-09-01-10 – Final Plat of Simpson 2<sup>nd</sup> Addition.**

Chairman Steinfert called the case open for consideration of the final plat of the Sampson 2<sup>nd</sup> Addition, a replat of Lot 2, Block 1, Sampson Addition to Junction City, Kansas, as submitted by Kaw Valley Engineering, agent, on behalf of James D. Sampson, owner.

Mr. Yearout stated the staff is generally in support of the replat, but the staff report lists some minor modifications needed to the final plat document and the need to obtain direction from the MPC on a more serious issue. Mr. Yearout noted the minor issues of removing the signature block for the County Commission, which is not needed since this is a plat within the City, and to locate the printed names and titles for the MPC signature block below the signature lines. He also pointed out the request to obtain full access control along Chestnut Street and East Street in order to maintain safety to the traffic.

Mr. Yearout noted the major issue deals with the intent to utilize the existing drive access to East Street from the Holiday Inn Express to the north and the access point for this commercial development. Staff, including the City Engineer, is very supportive of this design, but the documents necessary to complete the designation of that drive entrance as a shared drive with this property must be done separately from this plat. Staff is aware of the intent to extend Hammonds Drive from the west to either a public road connection with East Street or at least with Cotty Drive. The idea of providing access on through to East Street is desirable, but if it is intended to be a public street additional right-of-way may be needed from this property. This plat is the proper vehicle to obtain that right-of-way.

Josh Junghans, Kaw Valley Engineering, presented a concept plan showing the proposed access easements and the road to connect Hammond Drive with Cotty Drive as a public street and then provide a "travel easement" from that intersection to East Street along the south side of the Holiday Inn Express. As for the plat of Sampson's 2<sup>nd</sup> Addition, all the issues identified by staff have been resolved and shown on revised drawings presented to the MPC at this meeting.

Several Commissioners noted that the specific document dealing with all the issues regarding the proposed travel easement on the north side of this property needs to be prepared and submitted with the plat before the Commissioners would be comfortable with approving the replat. Virtually all of the Commissioners noted anecdotal instances of "promises" being made on development issues that never materialized because there were no written requirements and they did not want to continue that practice.

Commissioner Ryan moved to table Case No. FP-09-01-10, application of Kaw Valley Engineering, agent, on behalf of James D. Sampson, owner, requesting approval of Sampson 2<sup>nd</sup> Addition, a Replat of Lot 2, Block 1, Sampson Addition, Junction City, Kansas, until the next meeting in order for the documentation needed to address the travel easement and all the other issues raised by staff and at this meeting are submitted. Commissioner Moyer seconded the motion and it passed unanimously.

## **RECESS AS METROPOLITAN PLANNING COMMISSION**

Commissioner Dibben moved to recess as the Metropolitan Planning Commission and convene as the Board of Zoning Appeals. Commissioner Ryan seconded the motion and carried unanimously.

## **CONVENE AS BOARD OF ZONING APPEALS**

### **1. OLD BUSINESS**

#### **Item No. 1 – Case No. BZACU-08-01-10 – Public Hearing on request for a Conditional Use Permit to allow the operation of a concrete batch plant.**

Chairman Steinfort called the continued public hearing to order on the request of Jon Penny, agent, for Penny Concrete, Inc., leaseholder, on land owned by Poland Farms requesting a Conditional Use Permit to operate a concrete batch plant on property adjacent to Highway 57, just north of Junction City, Kansas.

Mr. Yearout stated the applicant has requested another extension. He explained the time between the last meeting and this one was rather short and the applicant has not been able to acquire all the necessary data from the equipment manufacturer to prepare all the supporting documentation for the request.

Commissioner Gustafson moved to continue this case to the October 14, 2010, meeting as requested by the applicant. Commissioner Ryan seconded the motion and it carried unanimously.

## **2. NEW BUSINESS**

### **Item No. 1 – Case No. BZACU-09-01-10 – Pubic Hearing on request for a Conditional Use Permit to allow the establishment of a fuel outlet for Dillon's.**

Chairman Steinfort called the public hearing to order to consider the application of Rob Hartman, Professional Engineering Consultants, agent, for John Maldonado Centro Management, Inc., owner, requesting approval of a Conditional Use Permit to operate a fuel outlet at 1015 West 6<sup>th</sup> Street, Junction City, Kansas.

Mr. Yearout stated the proposed use requires a Conditional Use Permit in the "CSP" Special Commercial District, which is how all of 6<sup>th</sup> Street is zoned from the central business district to Eisenhower. He stated there are some other fuel facilities on 6<sup>th</sup> Street and this use will not be out of character with the development in the area. A site plan is submitted and the only issues that need to be addressed will be taken care of when the building permit is issued. The access from 6<sup>th</sup> Street is existing and there are no other issues that need addressed for the Conditional Use Permit action.

There being no questions of staff, Chairman Steinfort opened the public hearing for comments from the floor.

Mr. Rob Hartman, Professional Engineering Consultants, agent for the applicant, indicated the request was pretty straight forward. He stated that the kiosk facility will be manned from 7:00 a.m. to 10:00 p.m., but the pumps will be operational 24-hours a day. Mr. Hartman indicated that the trees would probably be retained for a buffer on the south side of the property and that the paved area will be completely redone. This would be necessary due to the construction anyway. He pointed out the location of the underground fuel tanks and the manner in which the pump island will be placed on the property.

There being no other appearances, Chairman Steinfort closed the public hearing and asked for discussion or a motion.

Commissioner Gustafson moved that Case No. BZACU-09-01-10 the application of Rob Hartman, Professional Engineering Consultants, agent, for John Maldonado Centro Management, Inc., owner, requesting Conditional Use Permit to operate a fuel outlet at 1015 West 6<sup>th</sup> Street, Junction City, Kansas, be approved as shown on the site plan dated August 12, 2010. Commissioner Ryan seconded the motion and it carried unanimously.

## **ADJOURN AS BOARD OF ZONING APPEALS**

Commissioner Moyer moved to adjourn as the Board of Zoning Appeals and reconvene as the Metropolitan Planning Commission. Commissioner Dibben seconded the motion and it carried unanimously.

## **RECONVENE AS METROPOLITAN PLANNING COMMISSION**

**5. GENERAL DISCUSSION**

Mr. Yearout informed the Commission that Lisa Davies would be at the Work Session meeting next Thursday to present information regarding an update to the Sanitation Code.

Mr. Yearout then questioned the meeting schedule for November, which calls for the MPC meeting being on November 11. That is Veteran's Day and a holiday for the City and County. Mr. Yearout suggested moving the November meeting to November 18 and not having the work session unless there is a light agenda.

Commissioner Gustafson moved to cancel the November 11 meeting because of the holiday and reschedule the regular meeting for November to November 18, 2010. Commissioner Moyer seconded the motion and it carried unanimously.

**6. ADJOURNMENT**

Commissioner Gustafson moved to adjourn at 8:43 p.m. Commissioner Mortensen seconded the motion and it carried unanimously.

**PASSED AND APPROVED THIS \_\_\_\_\_ day of October, 2010.**

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**Mike Steinfert, Chairman**

**ATTEST:**

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**David L. Yearout, AICP, Secretary**



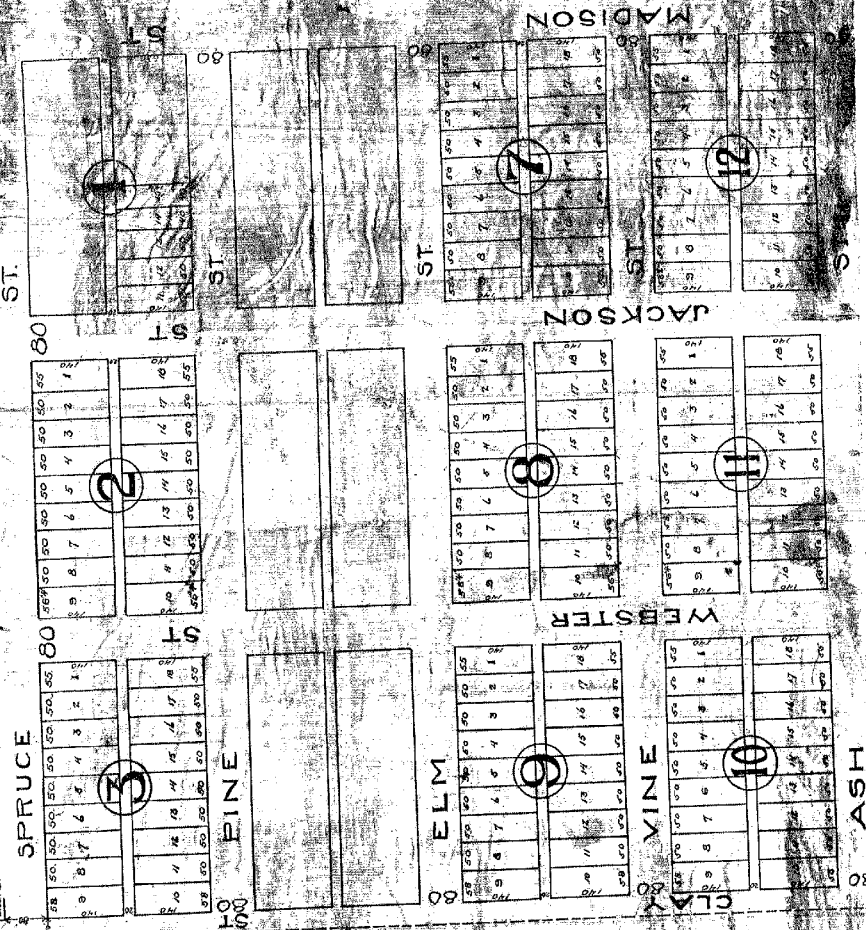




11/10/11

# Replat Sheridan Heights

Replatment Station  
Block 20



Lot 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24

James D. Brown  
James D. Brown  
James D. Brown

Charles E. Mann  
Charles E. Mann





